

Ministerial Code- retention of records

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Tue, 11 May 2021 14:04:02 +0000
Attachments: Document retention policy- code referral- additional comments- for Mr Hamilton comment.docx (19.07 kB); Data protection letter new version 2.docx (19.32 kB)

Dear James,

I hope you are well and that you have had a good break over Easter. Apologies for the delay in getting in touch about this, it has taken me longer to look at this than I had hoped.

I mentioned several weeks ago that I was working on a couple of things relating to the records keeping and retention of the documents created during the investigation. This will ensure that data protection and record keeping for the investigation is properly concluded.

The first relates to where the records showing the conduct of the investigation would be retained. I have attached a draft retention policy, which sets out the core principles, roles and responsibilities of the various parties, and the steps that would be taken to deposit the information with NRS. This will ensure that the records of the investigation are retained in a suitable fashion. Could you have a look and let me know of any comments?

The information transferred will be assessed for sensitivity; I have conducted an initial assessment of this and would suggest that an exemption would apply to the information initially. I can explain this in more detail if that would be helpful?

I have also discussed records keeping and data protection issues with colleagues with expertise in data protection, who have advised that in order to keep things right from a data protection perspective we need to write to participants to let them know what will happen to their information, and to give them an opportunity to object to information being retained and transferred to NRS. I have prepared the attached sample letter which sets this out, and includes two variants of text depending on what is to be transferred. Could you let me know if you are content for me to prepare letters to the various participants?

I have also had an email from Geoff Aberdein about his submission and interview transcript- now the report is published he would like these to be deleted, and would not consent for them to be sent to NRS. My sense is that, given the strength of his objection and that the report is now published, we will probably have to delete the statement and transcript, but it might be helpful to discuss.

Best wishes,

[REDACTED]

Document retention policy

Background

The Ministerial Code inquiry has produced a range of materials relating to the conduct of the investigation, and the evidence considered during the investigation.

These fall into 5 main categories:

- written evidence
- transcripts of interviews
- documents relating to the conduct and administration of the review
- legal advice provided to the Independent Adviser
- correspondence with participants

These materials are a form of public record, and should be preserved as part of the public record. National Records of Scotland is the holder of materials that constitute the public record.

As the information gathered as part of the investigation does not fall within a specific category of record where legislation or existing guidance sets out how the information is to be handled, the approach may be developed, and agreed between the Adviser (as data controller), the Scottish Government, and NRS.

Data protection team within Scottish Government are content that this is consistent with the purposes for which the information was gathered and used and that the proposed plan is legitimate.

Roles and responsibilities

Once the referral is concluded, the independent adviser would not have an ongoing role in relation to the information. NRS is usually a data processor for materials held, so an ongoing data controller would be identified.

The Independent Adviser would formally hand the material over to the Scottish Government on that basis. This will then be deposited with NRS.

There is no ongoing business use for this material by Scottish Government. The Advisor may retain material during the course of work to update the Ministerial Code. At the end of this project material would be destroyed. Material held by the Secretariat would also be destroyed.

Process

The stages of the process are as follows:

- Agreement on exactly what should be transferred.
- Sensitivity Review by the record creator.
- Confirmation of Data Protection roles post-transfer.
- Preparing records for transfer.
- Transfer to NRS.

Before the material is handed to SG and NRS, the Secretariat will identify what constitutes the record to be maintained. Individuals who have provided material that constitutes part of this will be sent appropriate information about how the material will be handled, and given an opportunity to make comment. The Secretariat and the independent advisor will consider carefully how the aims of preserving the record of the investigation can be maintained and any comments on the material from participants respected.

A sensitivity review will be undertaken by the Secretariat, with support from OCT and other colleagues as required.

The technical parts of the transfer process will rely on SG iTECS staff. The Secretariat will engage with the appropriate team in advance of transfer.

This process should be completed within 6 months of the investigation being completed.

Access

The sensitivity review carried out by the record creator determines whether records are immediately open to the public or not. If the sensitivity review identifies any exempt material in an individual record (i.e. a file, document etc), then FOISA exemptions are applied and that record is closed to public access for a set period of time (depending on the exemption). All other non-exempt records are immediately open to the public on transfer.

NRS would require both redacted and unredacted versions of any documents. The redacted versions can be used to provide access while information is exempt, and eventually the unredacted versions become available to the public (minimum 15 years). Depending on the nature of the exemption, this can be much longer than 15 years - particularly in the case of personal information.

Requests for closed records are handled under FOISA. Because NRS is not usually the Data Controller, handling normally falls under FOISA s.22 which requires the transferring authority (Data Controller) to make the decision.

A pragmatic approach which would minimise the complexity of decision making for the legacy data controller would be to ensure that the specific FOISA exemptions that apply to exempt material are set out in detail during the sensitivity review.

Dear [name],

I am writing on behalf of James Hamilton, Independent Adviser on the Ministerial Code, to provide some additional information on the data protection and retention arrangements for the material you have provided during the review.

The data collection and processing undertaken during the review was done on the basis that it was necessary for the performance of a task carried out in the public interest. Mr Hamilton is currently the data controller for the information gathered during the review. As he is resident in Ireland, he is subject to the authority of the Irish Data Protection Commission. The Irish Data Protection Commission can be contacted at the following link: [Homepage | Data Protection Commission](#)

The records created during the investigation are accordingly public records, and on that basis will be deposited with National Records of Scotland (NRS) now that the investigation is completed. Prior to the transfer of any records, the information will be assessed for sensitivity and any legal constraints on inspection or release of the material identified. Data subjects views will also be taken into account when assessing the sensitivity of the records. Any records which are assessed as sensitive will be marked as not for public inspection for at least 15 years depending on the specific reasons they have been assessed as sensitive.

When information is transferred to NRS, the data controller responsibility will be transferred to Scottish Government. This is to ensure that there is a suitable lasting authority to manage requests for access to any closed records. However, the SG will not have routine access to any of the information except to assess any requests for access.

The Secretariat has identified the following documents for transfer:

- Written statement
- Correspondence between the Secretariat and participant
- Interview transcript

The written statement you provided, [interview transcript](#) and correspondence with the secretariat have been assessed as suitable for public inspection with some limited redactions.

The written statement you provided, and the interview transcript, and correspondence with the secretariat have been assessed as sensitive and will not be made available for public inspection.

As a data subject, you have the right to

- request a copy of any personal data we hold about you, by making a subject access request
- ask us to update our records if you believe that the data we hold is inaccurate or incomplete

Commented [WR(1)]: Adjust as required.

Commented [WR(2)]: Alternatives depending on participant/specific materials.

Written evidence and interview transcripts are likely to be withheld under FOI exemptions for 15 years. Exemptions will apply for a longer period of time for those items subject to legal restrictions.

- request that we stop or restrict the processing we complete
- ask us to delete the personal data we hold about you

There may however be some circumstances in which we cannot comply, such as, if we have a legal duty to keep data, or to process it in a particular way.

If you wish to access your data subject rights, or have any questions or comments about the retention policy, please contact [REDACTED] by email at [REDACTED]@gov.scot or by phone on [REDACTED]

Re: Ministerial Code- retention of records

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Wed, 19 May 2021 21:04:40 +0000

Hi [REDACTED] Sorry for delay- will get back to you soon.

J

On Tue, 11 May 2021 at 15:04, <[REDACTED]@gov.scot> wrote:

Dear James,

I hope you are well and that you have had a good break over Easter. Apologies for the delay in getting in touch about this, it has taken me longer to look at this than I had hoped.

I mentioned several weeks ago that I was working on a couple of things relating to the records keeping and retention of the documents created during the investigation. This will ensure that data protection and record keeping for the investigation is properly concluded.

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Best wishes,

[REDACTED]

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Re: Publication of written submission - James Hamilton

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Wed, 07 Oct 2020 11:22:07 +0000

Hi [REDACTED]
Do you want to phone me?
James

On Wed 7 Oct 2020 at 11:54, wrote:

This link takes you to the published evidence:

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/115516.aspx>

Annex A of Nicola Sturgeon's submission covers matters relating to the Ministerial Code (direct link here):

https://www.parliament.scot/HarassmentComplaintsCommittee/Nicola_Sturgeon.pdf

From: [REDACTED]
Sent: 06 October 2020 17:33
To: 'James Hamilton' <[REDACTED]@[REDACTED]>
Subject: Publication of written submission - James Hamilton

Hi James,

The Committee clerks have just been in touch to ask me to inform you that your written submission to the SGHHC Committee will be published on the Committee's website tomorrow morning.

In your written submission, you noted that you were unable to comment on a timescale within which the review would be completed. If possible, they have asked if we could provide an update on this. My sense is that there isn't much more we can really say on timings at this stage, but let me know if there is anything you would want to add to your previous comments.

Best wishes,

[REDACTED]

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From: [REDACTED]
Sent: 08 January 2021 17:53
To: James Hamilton [REDACTED]
[REDACTED] James Hamilton

Hi James,

Please see attached further note from Mr Salmond.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 08 January 2021 16:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: SUBMISSION - For the attention of James Hamilton

Friday 8th January 2021

Dear [REDACTED]

Happy New Year

I would be grateful if you could pass the enclosed note to Mr James Hamilton.

Yours for Scotland

Alex Salmond

Friday 8th January 2021

Mr James Hamilton
Independent Adviser to the Ministerial Code

Dear Mr Hamilton

A note to confirm that my submission on the Ministerial Code of 31st December last was sent to the Parliamentary Committee on 4 January and to members today. I now understand it has been given to at least one member of the press and this note is a courtesy to make you aware.

Further I have noticed a small typo on paragraph 34 of the submission. Where it reads in brackets (Official Report 10th January 2018) that should read (Official Report 10th January 2019). The correct reference to 2019 is previously made above at paragraph 32.

I hope this is of assistance

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 31 Dec 2020, at 16:39, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Many thanks for sending this, I can confirm receipt of this submission and that I have sent it to Mr Hamilton.

I hope that you have had a good Christmas and that you have a happy New Year.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 31 December 2020 15:41
To: [REDACTED]@gov.scot>
Subject: SUBMISSION - For the attention of James Hamilton

Dear [REDACTED]

Correspondence for Mr Hamilton

Please see attached correspondence, submission and two appendices for the attention of Mr James Hamilton. Please confirm receipt and thank you for your assistance.

Best wishes for 2021

Yours for Scotland

Alex Salmond

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From: [REDACTED]

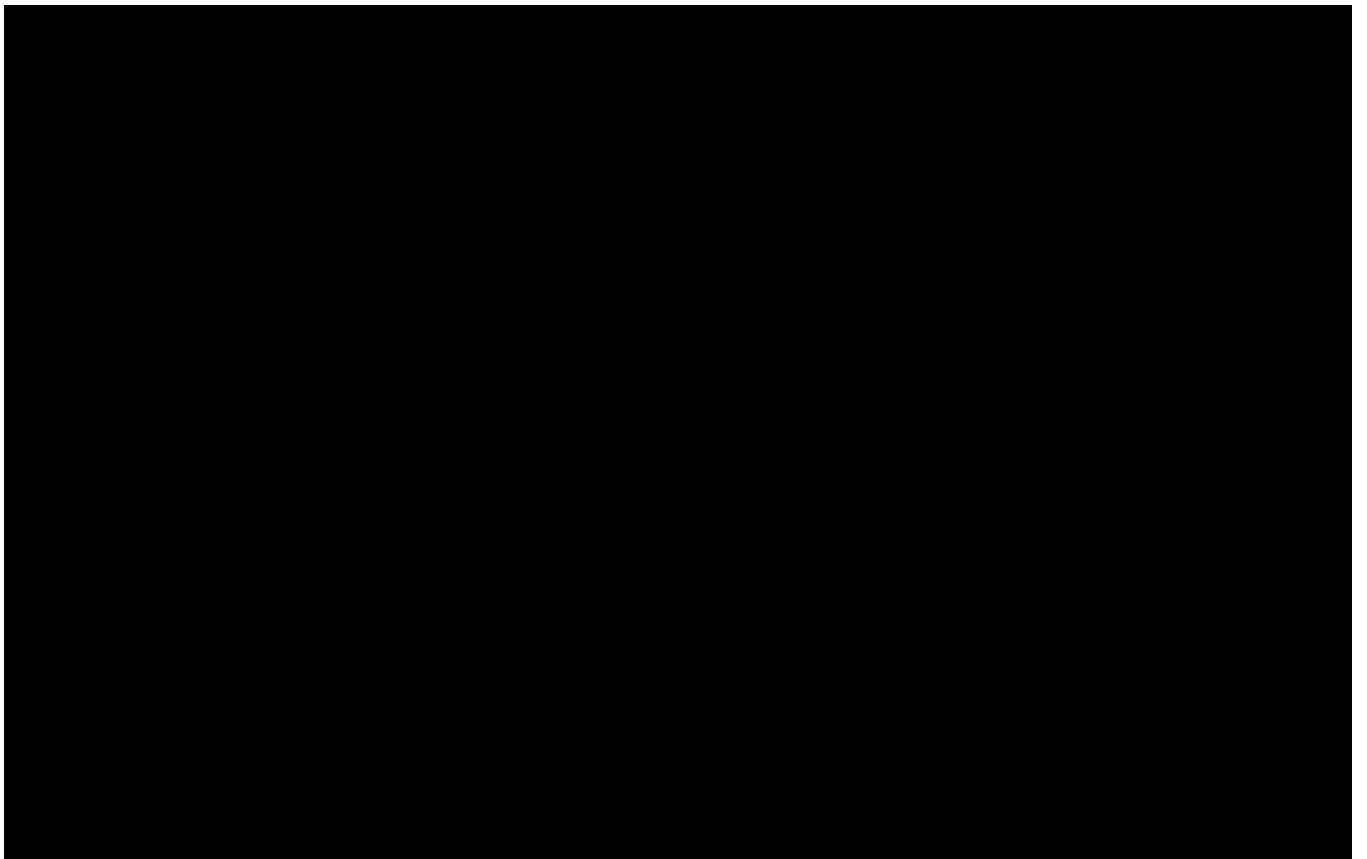
Sent: 08 March 2021 09:51

To: [REDACTED]

Subject: [REDACTED]

[REDACTED]

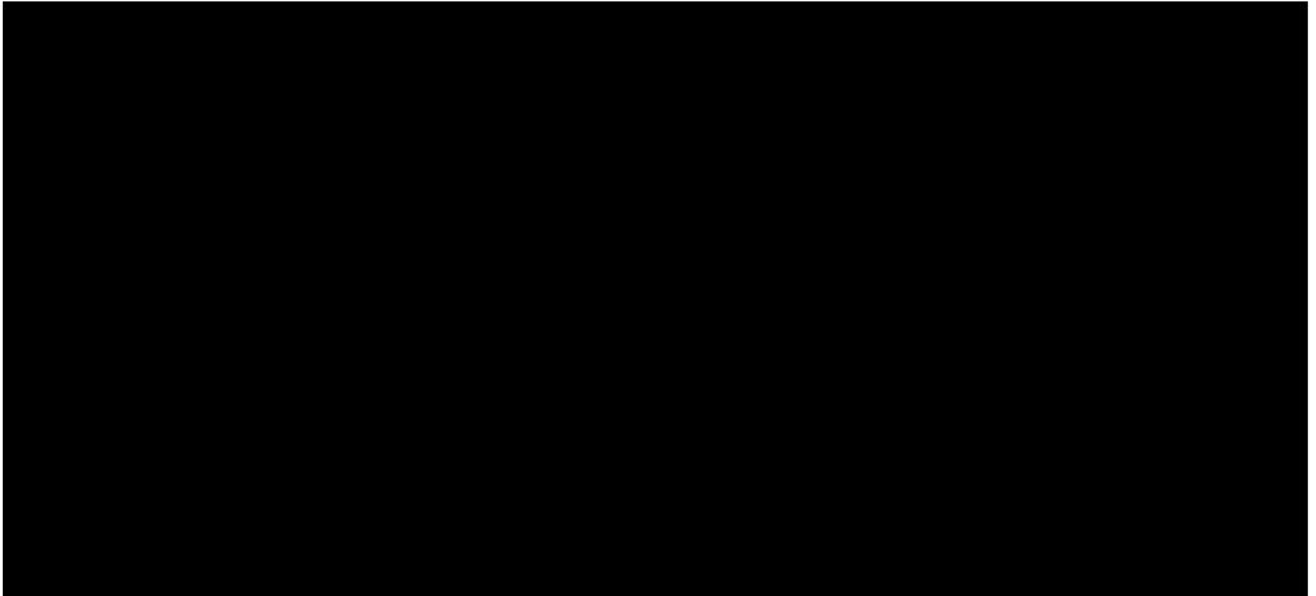
[REDACTED]



Mr Hamilton,

Please find below, brief answers to your specific questions and an accompanying general statement. I have addressed questions 2.5, 3 and 4 in my general statement.

My statement also expands on the points below, whilst also focussing on matters concerning the ministerial code.



I hope the following statement addresses all the questions you have asked, but would be happy to provide any clarification or further information you require.

General Statement

As a Special Adviser I am able to engage on ministers behalf in what would for permanent civil servants be political discussions. In particular this allows party liaison and attendance at party meetings. As Chief of Staff I advise the First Minister both on government policy and on political matters



Before detailing the actions I took, my role and the consideration given to aspects of the ministerial code, I can confirm that I had no discussion and provided no advice, written or oral, to the Permanent Secretary on the meetings or contacts considered within your remit. I discussed some points with the First Minister, and it could be said those discussions included the provision of oral advice, but provided no written advice.

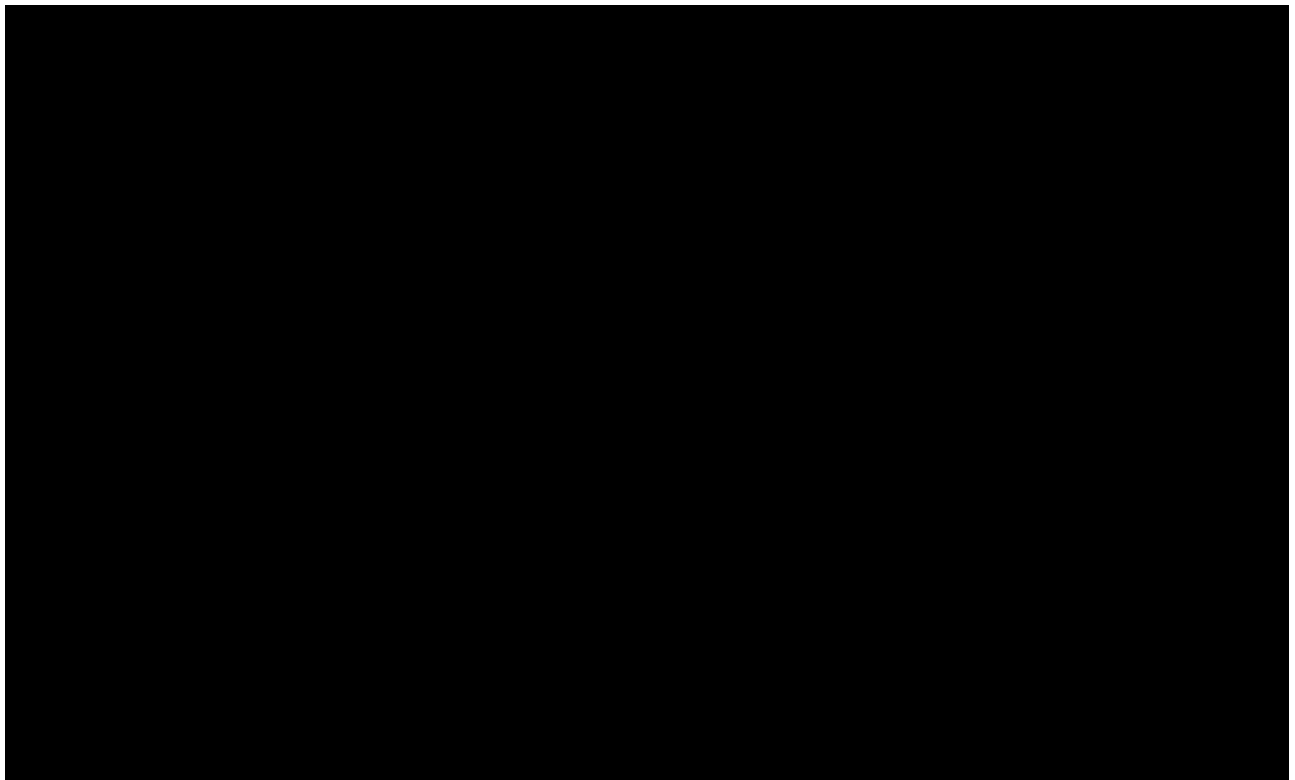
In addition I can confirm that I took no action within government in relation to these matters, *with the exception of making SG counsel aware of them during the period of the judicial review*, and did not seek to bring any influence to bear on the Scottish Government investigation into complaints of sexual harassment in relation to Mr Salmond, rather it was a determination to ensure I did not even inadvertently influence the investigation or compromise it's integrity that has led to questions being raised under 4.22 and 4.23 of the ministerial code.

I can also confirm that prior to the conclusion of the investigation into Mr Salmond I was not informed of the complaints or the investigation by Scottish Government officials and had no contact with either of the complainants. At the conclusion of the investigation I was made aware of the police referral, and the intention to issue a media statement, prior to Mr Salmond intimating legal proceedings against the Government and from memory threatening legal proceedings against the First Minister.

In relation to the meetings and contacts that are the subject of the self-referral, *I was present on* [REDACTED] April 2nd 2018, I was in the room with the First Minister for the duration of the phonecall on April 23rd and heard her contribution in full, and parts of Mr Salmond's contribution. I briefly interrupted the conversation on the 7th June, in order to advise the First Minister that her next engagement was waiting, and though I was not present, the First Minister made me aware of the content of her discussions on the 14th July and 18th July with Mr Salmond. I am not aware of any other contacts between the First Minister and Mr Salmond (beyond those published alongside her evidence to the Scottish Parliament Committee) or the First Minister and Mr Aberdein.

In relation to the meeting of the 2nd April, it was attended by myself and the First Minister at her personal address. Mr Salmond attended, with Mr Aberdein and an individual who was acting as a legal adviser to Mr Salmond.. The legal adviser had not been expected to attend, and it was only as Mr Aberdein and Mr Salmond were due to arrive that Mr Aberdein informed me that they would be joining them.

The individual was well known to both myself and the First Minister through longstanding political and personal connections, and I was aware he was regularly called on to provide informal advice to Mr Salmond, particularly when he faced legal or political difficulties.



[REDACTED]

[REDACTED] Given this was a political and personal discussion it was organised so as not to require the use of government resources, which led to it taking place at the First Minister's personal home.

As Mr Aberdein indicated he would be accompanying Mr Salmond, and as it was clear Mr Salmond had an issue to discuss that would have political consequences, I considered it appropriate that I attend. I also had some concerns as to what Mr Salmond might want from the meeting. I had only ever known Mr Salmond to be someone who expected others to solve problems for him, and if he was in difficulty I suspected he might make requests of the First Minister and wanted to ensure she had advice.

The discussion on 2nd April took place in two parts. On arrival Mr Salmond asked to speak privately to the First Minister. During this time, Mr Aberdein and Mr Salmond's legal adviser showed me a copy of a letter from the Permanent Secretary and annex detailing complaints against Mr Salmond. They retained the copy of the letter and annex.

[REDACTED]

[REDACTED]



I made no record of this meeting. Following its conclusion, I remained briefly with the FM and we discussed whether we had an obligation to report it to the Permanent Secretary or record it under the ministerial code. Whilst it did not seem to me that the content was subject to the code, as the conversation had largely focussed on party matters and personal wellbeing, and Mr Salmond had not told the First Minister anything that the government did not know, but had rather shared with the First Minister information the government had given him, the more relevant question seemed to be whether we should inform the Permanent Secretary.

Having had some limited involvement with the development of the procedure I understood that it specifically did not provide for a First Minister to be informed of complaints against a former minister because there was no legitimate reason to share that information, but also because it ensured that no investigation or outcome could be considered by complainants to be influenced by political interests. I understood this position had been taken to build confidence amongst employees in the independence of the system. Whilst I had no doubt the Permanent Secretary would be independent in her duties, it seemed to me that there was more risk to the integrity and confidentiality of the investigation whether real or perceived from informing the Permanent Secretary of our awareness, than of not doing so.

Equally whilst I didn't consider it to fall under 4.22 or 4.23 of the code, reflecting on it now, I do not know how it would have been possible to report under the current system, without jeopardising the confidentiality of the investigation. Not only would a subject matter have been required, but engagement between Mr Salmond and the First Minister would at that time have attracted public scrutiny, which in generating questions as to the purpose of the meeting, would again have either put the confidentiality of the investigation at risk, or put the First Minister in a position of having to give a less than frank response if asked what the meeting was about, in the interests of protecting that confidentiality

My judgement, in relation to informing the Permanent Secretary, changed when Mr Salmond continued to contact the First Minister and made explicit asks and implicit threats as well as informing her of prospective legal action.

On the evening of 23rd April the First Minister took a call from Mr Salmond in her private study in Bute House in the evening of the 23rd, shortly before attending a dinner engagement. I was in the study throughout and heard her contributions as well as some of his. Mr Salmond was asking the First Minister to tell the Permanent Secretary that she knew of the investigation in order to encourage the Permanent Secretary to agree to his request for mediation. The First Minister was firm that she would not do so. This conversation supported the earlier decision not to tell the Permanent Secretary.

On or around the 4th or 5th of June, the First Minister showed me a message she had received from Mr Salmond which appeared to indicate that he intended to take legal

action against the government. Having worked around Mr Salmond over a number of years, I felt the message had a threatening tone which I recognised and was intended in my view to pressure the First Minister into taking action to in some way suppress or block the inquiry and prevent it concluding. The message also misrepresented the April 2nd meeting.

The First Minister indicated that she thought that having been informed of potential legal action she had a duty to share that with the government. I also felt that given the tone of the communication and the misrepresentation within it, that anything other than informing the Permanent Secretary, could at a later date have led to an undermining of the confidence in the investigation. We again discussed recording the meetings with private office for reporting under the Ministerial code, but given the same confidentiality risk remained and that the First Minister had decided to inform the Permanent Secretary, I felt that all necessary and practical action had been taken. The letter, as far as I am aware, was held by the Permanent Secretary's office.

I did not attend the meeting on 7th June in Aberdeen, which I understood was to inform Mr Salmond that the Permanent Secretary had been informed of the contact, and to re-iterate that the First Minister would not make any requests of her in relation to the investigation. I arrived at the hotel once the conversation was underway, but interrupted the meeting which I do not believe was long as the First Minister had informed me that he was running late, to remind the First Minister of her next engagement. I was in Aberdeen to attend party conference as permitted of Special Advisers.

The First Minister reported to me that he had sought to raise the matter of a Judicial Review and push for her to intervene and that she had, as she had indicated she would, told him that she had informed the Permanent Secretary of his contact and would not act on his behalf in any way.

Shortly after conference, I asked the First Minister if she had informed the Permanent Secretary of the conversation and she indicated that she had.

I was not present at the meeting on the 14th July or call on the 18th July,

I had approached Mr Aberdeen the previous week to ask if he knew if the investigation was coming to an end. My motivation was that I knew the First Minister was considering going on holiday and if it was going to conclude and Mr Salmond take any action, I felt she would not have wanted to be out of the country given the potential for party political ramifications. He indicated that he didn't know and that Mr Salmond was seeking arbitration. [REDACTED]

Following the meeting on the 14th July, the First Minister told me that she was concerned that while she had had no involvement, Mr Salmond had formed an inaccurate impression that she was in some way blocking his request for arbitration, and could not accept that the First Minister was not acting as he wanted her to. My understanding is that the First Minister corrected that view and again informed the Permanent Secretary. My understanding of the call on the 18th was to try to end any discussion of this issue on a more amicable basis.

In relation to the reporting and recording of information, I have set out above the consideration, advice and decisions made regarding reporting under the ministerial code and reporting matters to the Permanent Secretary. I do not believe that there were any other appropriate options available to the First Minister or myself, if we were to both protect the confidentiality of the investigation and avoid compromising or even unwittingly appearing to compromise its integrity.

On becoming aware that Mr Salmond had issued a statement confirming the fact of the investigation to the media in August 2018, there was no hesitation in addressing the fact that there had been contact with Mr Salmond.

This matter had already been recorded with the Permanent Secretary at the first point at which, in my view, on the balance of risk to the investigation process, it became appropriate to do so.

In responding to Mr Salmond's confirmation of the investigation, the First Minister volunteered in a media interview in August 2018 that she had been made aware of the complaints by him earlier in the year. She was under no pressure to do so. I supported her decision to do that, and when asked by the First Minister shortly before the interview, when the meeting was, I recalled it as being Easter Monday, the 2nd April.

I subsequently briefed, with the First Minister's endorsement, Scottish Government counsel in October 2018 on the facts of the First Minister's engagement with Mr Salmond [REDACTED]

The First Minister also pro-actively set out, with my support, the contact she had had with Mr Salmond to Parliament in January 2019 following the conclusion of the Judicial Review, a decision which led to this referral. Again, she was under no pressure to do that, but we both considered it right that whilst the meetings were personal and political in nature, there should be transparency around them, despite for the reasons I have set out above, not considering that recording was required and not having, at the time, a confidential means of doing so without compromising the integrity of the process.

I hope this statement is of assistance to you, and stand ready to address any further queries you may have.

Liz Lloyd

From: Lloyd E (Elizabeth)
Sent: 12 November 2020 20:48
To: [REDACTED]
Subject: Confidential - attn: James Hamilton

[REDACTED]

I'd be grateful if you could share the following information with Mr Hamilton.

Firstly an entirely minor point – in my statement I have made reference to Mr Salmond's timekeeping. A drafting error remains in the statement and the sentence should read as below

"2.6)I made no record of the duration of the meeting, though I believe they arrived later than the arranged time, which was not normal for Mr Salmond. I would estimate no more than two hours. "

[REDACTED]

I hope this is helpful.

Best wishes

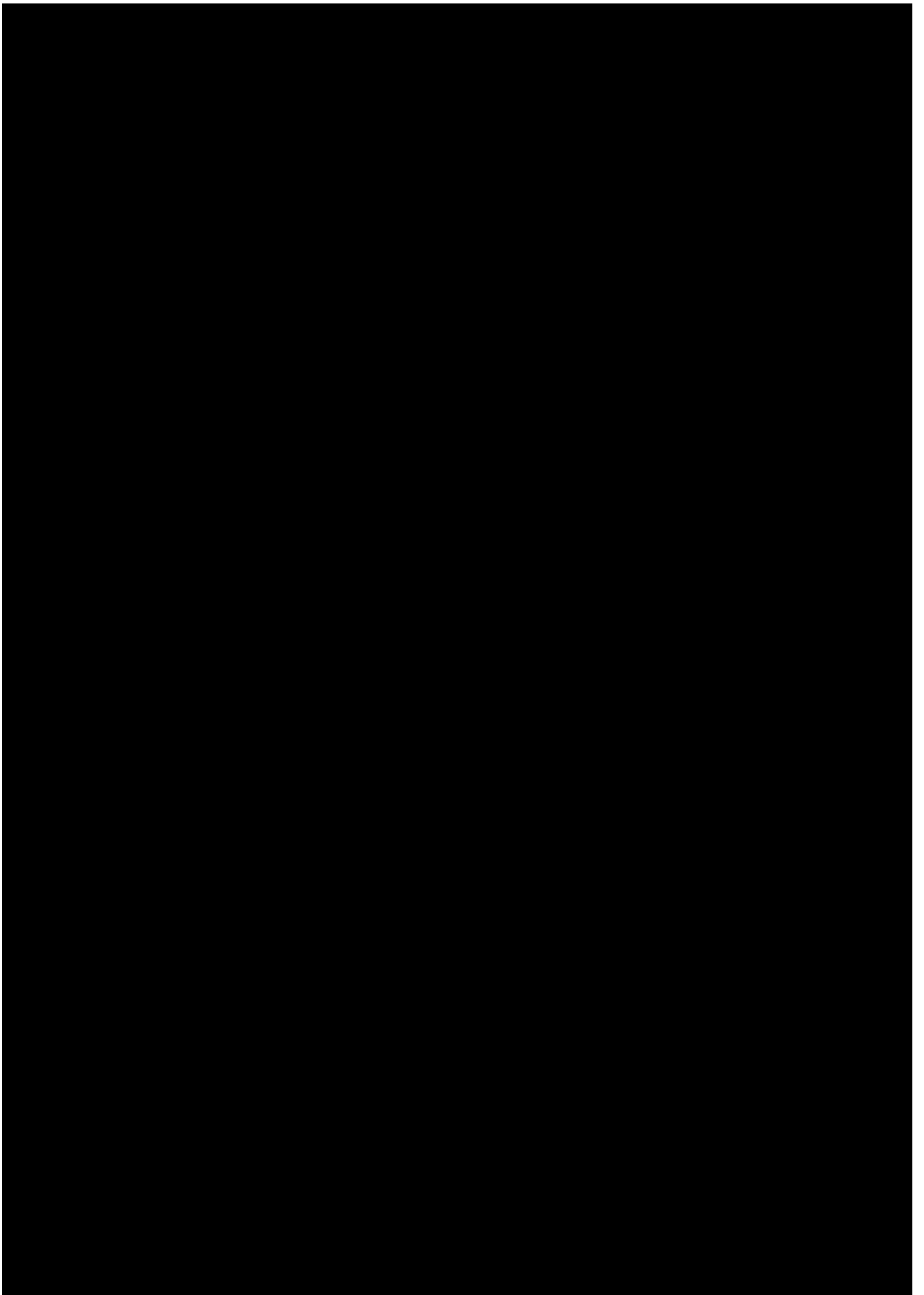
Liz

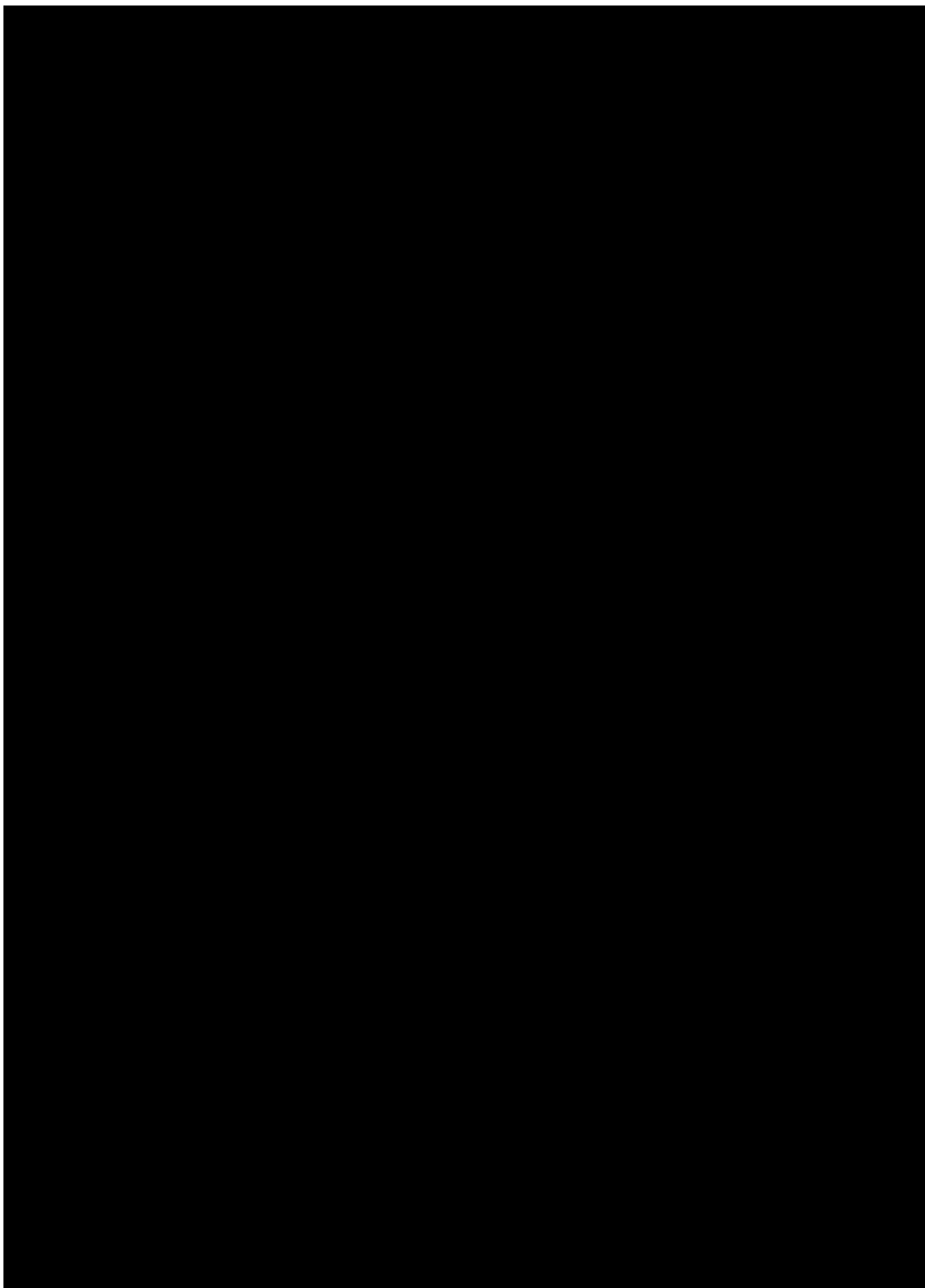
Elizabeth Lloyd
Chief of Staff to the First Minister
St Andrew's House
Regent Road
Edinburgh EH1 3DG

[REDACTED]

Elizabeth.Lloyd@gov.scot

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.







From: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>
Sent: 09 February 2021 11:43
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Mr Hamilton- short supplementary question

[REDACTED]

Responses below – let me know if you need more

Thanks

Liz

Elizabeth Lloyd
Chief of Staff to the First Minister
St Andrew's House
Regent Road
Edinburgh EH1 3DG
Tel: [REDACTED]
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Elizabeth.Lloyd@gov.scot

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 08 February 2021 17:50
To: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>
Subject: Mr Hamilton- short supplementary question

Dear Liz,

Thank you for the information you provided last week. I have nearly finished transcribing the interview and should be able to share the transcript tomorrow.

Mr Hamilton has a couple of very minor supplementary questions he has asked me to pass on, as set out below.

[REDACTED]

[REDACTED]



Would it be possible to provide short answers on these this week?

Happy to discuss.

Best wishes,



From: [REDACTED]
Sent: 09 March 2021 09:34

To: James Hamilton [REDACTED]
Subject: Transcript- GA

Hi James,

Please see attached transcript of the interview with Geoff Aberdeen. Where I have adjusted the transcript from the recording I have put the adjusted content in square brackets.

I will send the password separately.

Best wishes,

[REDACTED]

Interview with Geoff Aberdein, 5/3/2021

Attendees

James Hamilton, Independent Advisor under the Ministerial Code

Geoff Aberdein, Former Chief of Staff to Alex Salmond

[REDACTED], Secretariat to the Independent Advisor under the Ministerial Code

Meeting transcript

JH: So, Mr Aberdein, thank you for agreeing to participate in the interview. As you know, I am conducting an investigation into the First Minister's self-referral under the Ministerial code concerning meetings between her and Alex Salmond in 2018.

Thank you for the written statement, which as I said was the one from the, which you also provided to the Scottish Parliament, and I have used that information to develop some of the questions I want to ask you. [REDACTED]

Rebecca Whyte, who provides secretariat support to the investigation, and organisational support, will also be present during the interview to take notes and to provide practical and technical support if required.

The meeting will be recorded, so that a transcript of the conversation can be produced. That will be shared with you as a record of the discussion, and once the transcript is agreed the recording will be destroyed.

In producing my report, I may find that I need to refer to the information you provide. I will be taking appropriate action to ensure that my report is compliant with any relevant court order, and I think you're very familiar with that.

So, I don't know if you have any further questions about the process, or how the information you provide will be used?

GA: No, thank you very much for that.

JH: Okay, well, we'll turn to the main part of the discussion, and what I'd like to do first is to ask a couple of questions about, relating to the meetings on the 29th of March and the 2nd of April, I don't have very much I want to ask you about that, and then the main thing I want to do after that is to go through and essentially to put the other version about [REDACTED]

So, the first question that I'd like to ask you is when you, in your description of the meeting on the 29th of March you stated the following:

"I relayed to the First Minister a broad summary of the complaints, as described to me by Mr Salmond". I wonder if you could tell me just how much Mr Salmond had described to you and what exactly you meant when you said you relayed a broad summary of the complaints, because my understanding and everyone seems to agree to this, is that the meeting on the 29th of March only lasted 10 or maybe 15 minutes at most.

GA: Yes, no problem, thank you for that. That's right, my recollection is that it was a short meeting, no longer than 15 minutes. I mean, I think to set out the context, very quickly, if I may, the meeting was pre-arranged with [REDACTED] in advance. I can't speak to the knowledge of the First Minister of the complaints in advance of that, suffice to say that when I came into the room I didn't have to explain why I was there, I didn't have to introduce myself, and so I assumed that, and again I can't state what the First Minister's knowledge was, [REDACTED]

What I meant by a broad summary is I had never seen the letter of complaint. I still haven't to this day seen the letter of complaint which Alex Salmond received from the Permanent Secretary, but I went on to outline that he had received complaints, two complaints, and that he was very keen to meet with Nicola to discuss his concerns around how they had been sought, and the process involved. I was not aware of the investigation process as far as it was, I just knew that there were complaints and that Alex Salmond harboured serious concerns about them. I think beyond that, I think the First Minister said in her written testimony that they were allegations of a sexual nature; that's right, I mean I didn't have the specifics but I did just outline that they were of a sexual nature. I believe the First Minister also said that the main focus of the meeting was to arrange the further meeting on the 2nd of April. That's also correct. The one bit I would take slight issue with, or two bits I have to say, is the discussion that the First Minister recollects, I know she says that she can't remember it vividly, and I know it's been some time since this happened, was about the party membership thing, which I thought was interesting, now I'm happy to accept that I might have, and I've been known as a bit of a problem solver and a fixer, I might have said "oh, do you think he should resign from the party" or something like that, but I certainly don't recollect that being the focal point of the discussion. And the final thing to say was that obviously we agreed at that meeting that Duncan Hamilton would also attend as Alex Salmond's lawyer on the 2nd of April as well.

JH: Well, I'll just come to that in a moment, but just to clarify, you didn't give any more detail other than to say that you understood there were two complaints and they were of a sexual nature?

GA: Yes.

JH: But that's as far as you were able to go, and you didn't yourself have details of the complaints at that stage, if I understand?

GA: I didn't have the firm details, I mean Alec had kind of given me a broad summary of what was being alleged but I didn't go into detail with the First Minister, she's absolutely right to say it was in very general terms, I just said that there were two complaints, that he had a letter but that I didn't, he was really keen to meet with Nicola basically to discuss this.

JH: And I think you did a second statement, which I have, I presume for the Parliamentary Committee also, yes, it's expressed as being in response to a request from the Convenor, and you mention there about your conversation with Alex Salmond over the phone, this is when you phoned him on I think the, sometime on the 7th of March, or perhaps later, I think you were a bit unsure?

GA: Yeah, I think it was about the 9th of March, yeah.

JH: And I think that tallies with what he says. And, what you say is he informed you that he had separately already received a letter from the Scottish Government outlining the allegations of two complainers, and then you go on to say he relayed to me in very high level a summary of the complaints. What did you mean by the expression "in very high level"?

GA: Well, so, the point about that was I remember he was in transit at the time, he was in a car, and there was other people in the car, and he really didn't want to talk to me about it. He said "look, I know, I know, Geoff". It was really, it literally was a very very brief conversation, "I know, Geoff, I've received these complaints, I've seen this letter of complaints, I'm concerned about them, I'll call you later" kind of thing, "and I'll speak to you later" and I believe I did speak to him in London later on, it was really literally no more than that on the call.

JH: But what you mean is not in detail?

GA: Oh god, yeah, no no, certainly not in detail.

JH: That's what I wanted to clarify really. And then you also said in that statement "I am not certain of the exact date, but sometime following that call Mr Salmond intimated that he would like to have a meeting with the First Minister in person to set out his concerns about the Scottish Government's handling of the complaints". So the initiative for the meetings that took place on the 29th of March and the 2nd of April flowed from that and essentially from his request to meet the First Minister, is that your evidence?

GA: That's my understanding, yeah. He was very clear that he wanted to meet with Nicola, yeah.

JH: [REDACTED]
[REDACTED] you would have a brief word, I think, well as you did have, with the First Minister on the, is that correct?

GA: That is correct, yes.

JH: [REDACTED] you were going to be in any event at the Parliament on that date because of a birthday party apparently.

[REDACTED]

[REDACTED]

JH: I see, okay. [REDACTED]

GA: No. [REDACTED]

JH: I see. Okay. [REDACTED]

GA: [REDACTED]

JH: Okay, that's helpful, that clarifies a number of things. The other thing, then, that I wanted to ask you about, the meeting on the 2nd of April, Mr Duncan Hamilton has said on oath that he recalls the First Minister saying "if it comes to it, I will intervene". Did you hear her say that, or do you recall her saying that?

GA: No, and I know Duncan has spoken to me about this. So on two occasions during that conversation where I joined at the end, in the conservatory, I took a phone call from my mum, and I left the room, and I separately, I went to the bathroom. But I cannot with certainty tell you that I heard that I'm afraid, I just can't. So I won't, I can't corroborate that because I would be telling a mistruth if I did.

JH: I mean, is it probably something you would have remembered if you had heard it?

GA: I think if, you know, if the First Minister had said she would intervene, if I was there at the time I think I would have remembered it. But equally I must caveat that by saying I left the room, I distinctly remember my mum calling so it could have happened when I wasn't there.

JH: It could have happened when you weren't in the room?

GA: Yeah.

JH: Thank you, again that's very helpful. If I can go back, those are the only questions I wanted to ask you. Oh, there was just one other matter, there was a mention in your evidence in trial about a police interview, I think, but I presume that was not related to any of these matters, this was something to do with the trial itself.

GA: Yes, so I'm not sure what that is referring to, Mr Hamilton.

JH: Sorry, I'm actually not certain now where – I can clarify that later, I'm assuming that it was nothing to do with any of this subject but I can get you to confirm that, I'll check where I found the reference and get back to you on that. So, what I want to do now just is to go through,

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JH: You needed worry, we will edit out names and so on.

GA: Okay, thank you.

JH: The intention is you will get a transcript with any names edited out and in a form we can try and agree as being what your recollection is. Maybe if I could read the rest of what's said about the [REDACTED] to you.

GA: Yep.

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JH: Okay, I think that covers everything that I wanted to ask. Rebecca, I don't know if there's anything arising from any of that? I'm not sure if Rebecca's hearing me.

RW: Yeah, I don't think there's anything additional.

JH: Okay. Thank you very much, that's been very helpful and I appreciate very much your candour and your public spiritedness in relation to this, and I know it's been a very difficult and painful experience for you.

GA: Well, one of these days I'll get more than two hours sleep I'm sure. No, I mean, if I may say, and I don't know if this is {for you} or not, I have the greatest respect for both Alec and Nicola. They are not perfect, I think we all know that, and it's been a tough experience, [REDACTED], so I was asked to tell the truth in a police interview in June 2019, I was asked specifically these questions, I answered truthfully, my position has not changed throughout those meetings, throughout the Procurator Fiscal asking me for a precognition, through being in court, and through to this inquiry, my position hasn't changed. I'm happy that certain dates and certain things might have been said in a certain way, but I'm absolutely crystal clear on two of the biggest aspects of this, and I can't be more honest than that.

JH: Okay. Thank you very much, much appreciated. Thank you.

GA: Thank you, bye.

From: [REDACTED]
Sent: 09 March 2021 12:28
To: James Hamilton [REDACTED]
Subject: FW: Webex meeting invitation: Meeting with Mr Hamilton

Update on the remaining submission from Mr Salmond- should be provided later today.

From: Alex Salmond <[REDACTED]>
Sent: 09 March 2021 11:58
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Webex meeting invitation: Meeting with Mr Hamilton

Dear [REDACTED]

I undertook to provide Mr Hamilton by today a further note on the legal advice published by the Government during our evidence session and its implications for the ministerial code.

My own senior counsel Mr Ronnie Clancy QC has kindly written me a note on this matter and I will forward it with my own observations later today.

I hope that is satisfactory to Mr Hamilton.

Yours sincerely

Alex Salmond
Sent from my iPad

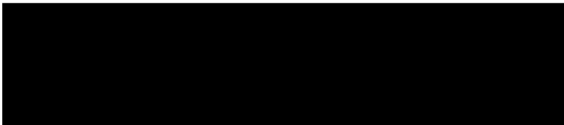
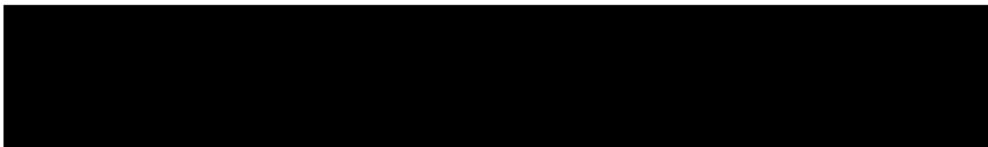
On 4 Mar 2021, at 12:49, [REDACTED] > wrote:

[REDACTED] **is inviting you to a scheduled Webex meeting.**

Friday, March 5, 2021
3:00 PM | (UTC+00:00) Dublin, Edinburgh, Lisbon, London | 1 hr 15 mins

[Join meeting](#)

More ways to join:



Join by video system, application or Skype for business



and enter your meeting number.

Need help? Go to <https://help.webex.com>



This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: Alex Salmond [REDACTED]
Sent: 09 March 2021 16:12
To: [REDACTED]@gov.scot>
Subject: For the attention of James Hamilton

[REDACTED]

Please could you kindly pass this email and the enclosed attachments, to Mr Hamilton

Thank you

Alex

-
- Dear Mr Hamilton,
-
- I enclose;
-
- (a) My submission on Ministerial Code issues arising; and
- (b) A note by my senior counsel
-
- following on from the legal advice published last week by the Scottish Government.
-
- Yours sincerely,
-
-
- Alex Salmond
-

Submission of Alex Salmond on publication of legal advice with reference to Ministerial Code aspect of the Inquiry.

In my submission on the Ministerial Code I stated that;

“Further once the Judicial Review had commenced and at the very latest by October 31st 2018 the Government and the First Minister knew of the legal advice from external counsel (the First Minister consulted with counsel on 13th November) that on the balance of probability they would lose the Judicial Review and be found to have acted unlawfully. Despite this the legal action was continued until early January 2019 and was only conceded after both Government external counsel threatened to resign from a case which they considered to be unstateable. This, on any reading, is contrary to section 2.30 of the Ministerial Code.”

The belated publication of the Government’s external legal advice in three batches on Tuesday 2nd March, Thursday 4th March and Friday 5th March from Roddy Dunlop QC, now Dean of the Faculty of Advocates, and Christine O’Neill QC shows that my arguments were understated. In fact the Government were told that they were in substantial difficulty in September, and by October 31st were warned that they could be “defending the indefensible”. The accompanying note from senior counsel puts these extraordinary revelations in proper legal context. As an interested party to the Judicial Review action the First Minister was fully sighted on all these matters and attended a consultation with both Government counsel on November 13th 2018. This meeting according to the Deputy First Minister (9th March 2021) was focussed on “adjustments to pleadings for the judicial review”. Significantly the consultation notes from that meeting have not been published by the Government.

The First Minister’s defence of these circumstances is twofold.

One, that the case was still “stateable” and two, that this was the view of the law officers. Neither argument is convincing.

In terms of the Ministerial Code 2.30 the “overarching duty” on Ministers to ensure that the Government complies with the law is not met by the low bar of pursuing legal cases which are merely “stateable”. The duty on Ministers is to pay respect to the range of legal advice being received. To disregard the advice of counsel was reckless, in breach and very costly to the public purse.

In terms of the Law Officers, the Government have not published their advice, if any was given. The fragmentary indications that we have from published material indicates that they were supporting continuation of action against the advice of external counsel. However this position is placed in context on December 17th when it is clear in the note from external counsel to the Lord Advocate their view is that the case could only be being continued for “political” reasons given that “we are firmly of the view that one or more challenges mounted by the petitioner will be successful”

Further the joint note from Senior and Junior Counsel of 19th Dec 2018 puts the matter beyond any possible doubt. This note written after the first part of the document commission begins “With regret our dismay at this case deepens”. When the dramatic contents of this note were put to the First Minister in her evidence

session before the Committee on March 3rd she agreed with committee member Mr Fraser that it was “catastrophic” and said;

“Had I, at that point, said that we would steam ahead anyway, I would potentially be sitting here with there being some - or a lot of - justification for the charges that are being made against me”

The point is clear and obvious. The Judicial Review was NOT conceded at that point. It continued on for another two hearings of the Commission on the 21st and 28th of December before being finally collapsed by the Government on 3rd January 2019, after counsel had threatened resignation.

I have asked Levy and McRae for a broad estimate of our recovered costs over that period from 19 December to 3 January 2019. They are £135,000. In addition there will a similar percentage of the Government's own costs. That is substantial public money wasted in unlawful pursuit of a doomed case.

Thus on any reading, and even reduced to its absolute minimum, this constitutes a breach of section 2.30.

Two further matters should be noted from the Judicial Review in terms of the Ministerial Code.

Firstly it is clear from the published notes of external counsel and, in particular, their note to the Lord Advocate of 17th December 2018 that some civil servants were engaged in actions which would have misled government counsel, my legal representatives and the court. This is in conflict with section 1.3 (e) of the code and the duty on Ministers which states

1.3 (e) Ministers should similarly require civil servants who give evidence before Committees on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Civil Service Code;

This is written for Parliamentary Committees but in the spirit of the code must also apply to court actions which the Government is contesting. In addition none of these circumstances, now revealed in the external counsel note of 17th December which led to the Government first disputing and then accepting the motion to court establishing the Documents Commission, were shared with the Parliamentary Committee by these same civil servants speaking on behalf of Ministers. They were only revealed by publication of the legal advice last week. The civil servants were aware of the seriousness of the actions uncovered by senior counsel but did not reveal it to the Committee. Neither did the Lord Advocate when questioned by the Committee on this matter despite the fact that the counsel note of 17th December was addressed to him as well as to the Government's own lawyers.

Second and finally, the claim by the First Minister that she was “first aware of the existence of an investigation” in April 2018 was not just made to Parliament but exactly in these terms in pleadings to the Court of Session. As an interested party these pleadings could only have been made with the full authority of the First

Minister, as indeed Mr Swinney's statement of 9th March also confirms. This position is incompatible with even the First Minister's latest explanations of the circumstances of the March 29th 2018 meeting in her office. I attach a copy of the relevant section of the Open Record of the court pleadings which is already with the Parliamentary Committee.

Ends

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From: Chief Financial Officer <cfo@gov.scot>
Sent: 09 March 2021 21:24
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

David

Thanks for copying me into this. I picked this up within my directorate again today. As I noted last night, Finance has a commitment to report all contingent liabilities to Parliament and we are working through the process to do that going forward, which will be in the new parliamentary session and we expect will be at least annually. However given the wording of the SPFM and the written agreement it would prudent, if the Accountable Officer felt that this contingent liability was sufficiently novel or contentious, that they should notify Parliament out with the reporting process that will be put in place. The information I have seen on this suggests that the indemnity in itself is not novel or contentious but it will be for you and your accountable officer to reach a view on. I just wanted flag this – it doesn't change anything in the advice you have submitted to DFM.

Happy to discuss if helpful.

Regards

Jackie

From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Sent: 09 March 2021 19:13
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Cabinet Secretary for Finance <CabSecFinance@gov.scot>; [REDACTED] Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>; [REDACTED]; Chief Financial Officer <cfo@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

Official – Sensitive

PS/Deputy First Minister

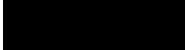
Copy as above

I attach a submission for Mr Swinney's attention.

David Rogers



David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House,
Edinburgh, EH1 3DG | T:  | E: david.rogers@gov.scot

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 09 March 2021 19:38

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Cabinet Secretary for Finance <CabSecFinance@gov.scot>; [REDACTED]

[REDACTED] Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>;

Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>; [REDACTED]

[REDACTED] Chief Financial Officer <cfo@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]
[REDACTED]; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

Hi David,

DFM is content for you to issue the letter.

Thanks
Hannah

From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 09 March 2021 19:13

To: Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>

Cc: Cabinet Secretary for Finance <CabSecFinance@gov.scot>; [REDACTED]

[REDACTED] Permanent
Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>;

Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>; [REDACTED]

[REDACTED] Chief Financial Officer <cfo@gov.scot>; Rennick NS (Neil)
<Neil.Rennick@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]
[REDACTED]; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

Official – Sensitive

PS/Deputy First Minister

Copy as above

I attach a submission for Mr Swinney's attention.

David Rogers
[REDACTED]

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House,
Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED]
Sent: 10 February 2021 16:57
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: [REDACTED]

Hi Douglas,

That's great, thanks. [REDACTED]
[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 10 February 2021 14:49
To: [REDACTED]
Subject: RE: [REDACTED]

Rebecca

I have reasonably good availability next week and the early part of the following week [REDACTED]
[REDACTED]

Regards

Douglas
Douglas Ross QC Ampersand Advocates

phone: 07739 639257
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]

Sent: 10 February 2021 12:03

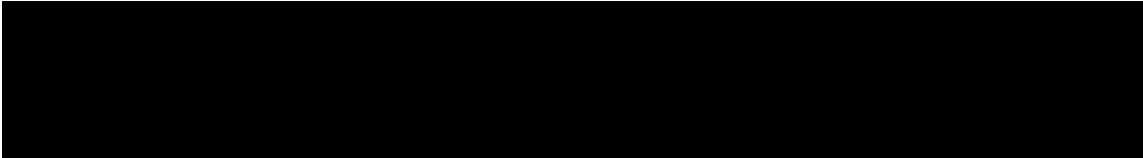
To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: [REDACTED]

Hi Douglas,

Hope you are well. [REDACTED]

[REDACTED]



Happy to discuss.

Best wishes,

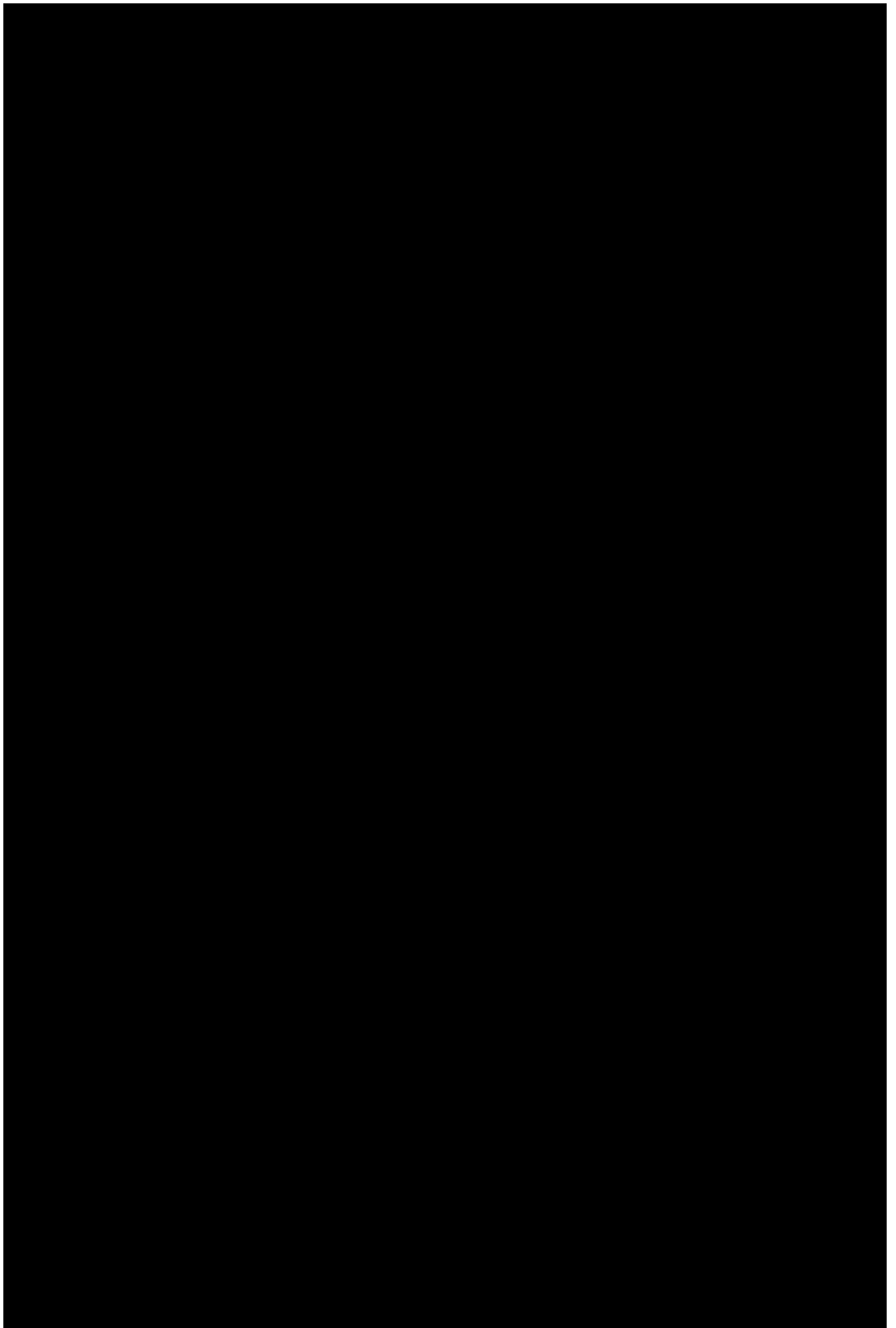


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the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has also become an important employer of women, with 5.5 million women employed in the public sector in 1995, compared with 4.5 million in 1980. The public sector has also become an important employer of people with disabilities, with 1.5 million people with disabilities employed in the public sector in 1995, compared with 1 million in 1980.

The public sector has also become an important employer of people who are over 50 years of age. In 1995, 1.5 million people over 50 years of age were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are under 25 years of age. In 1995, 1.5 million people under 25 years of age were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from ethnic minority groups. In 1995, 1.5 million people from ethnic minority groups were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Irish Republic. In 1995, 1.5 million people from the Irish Republic were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Scottish Highlands and Islands. In 1995, 1.5 million people from the Scottish Highlands and Islands were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Welsh Mountains. In 1995, 1.5 million people from the Welsh Mountains were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Northern Ireland. In 1995, 1.5 million people from the Northern Ireland were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Channel Islands. In 1995, 1.5 million people from the Channel Islands were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Isle of Man. In 1995, 1.5 million people from the Isle of Man were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Gibraltar. In 1995, 1.5 million people from the Gibraltar were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Falkland Islands. In 1995, 1.5 million people from the Falkland Islands were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Jersey. In 1995, 1.5 million people from the Jersey were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Guernsey. In 1995, 1.5 million people from the Guernsey were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Manx. In 1995, 1.5 million people from the Manx were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Channel Islands. In 1995, 1.5 million people from the Channel Islands were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Isle of Man. In 1995, 1.5 million people from the Isle of Man were employed in the public sector, compared with 1 million in 1980.

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has become a major employer in the UK, and its growth has been a key factor in the overall growth of the economy.

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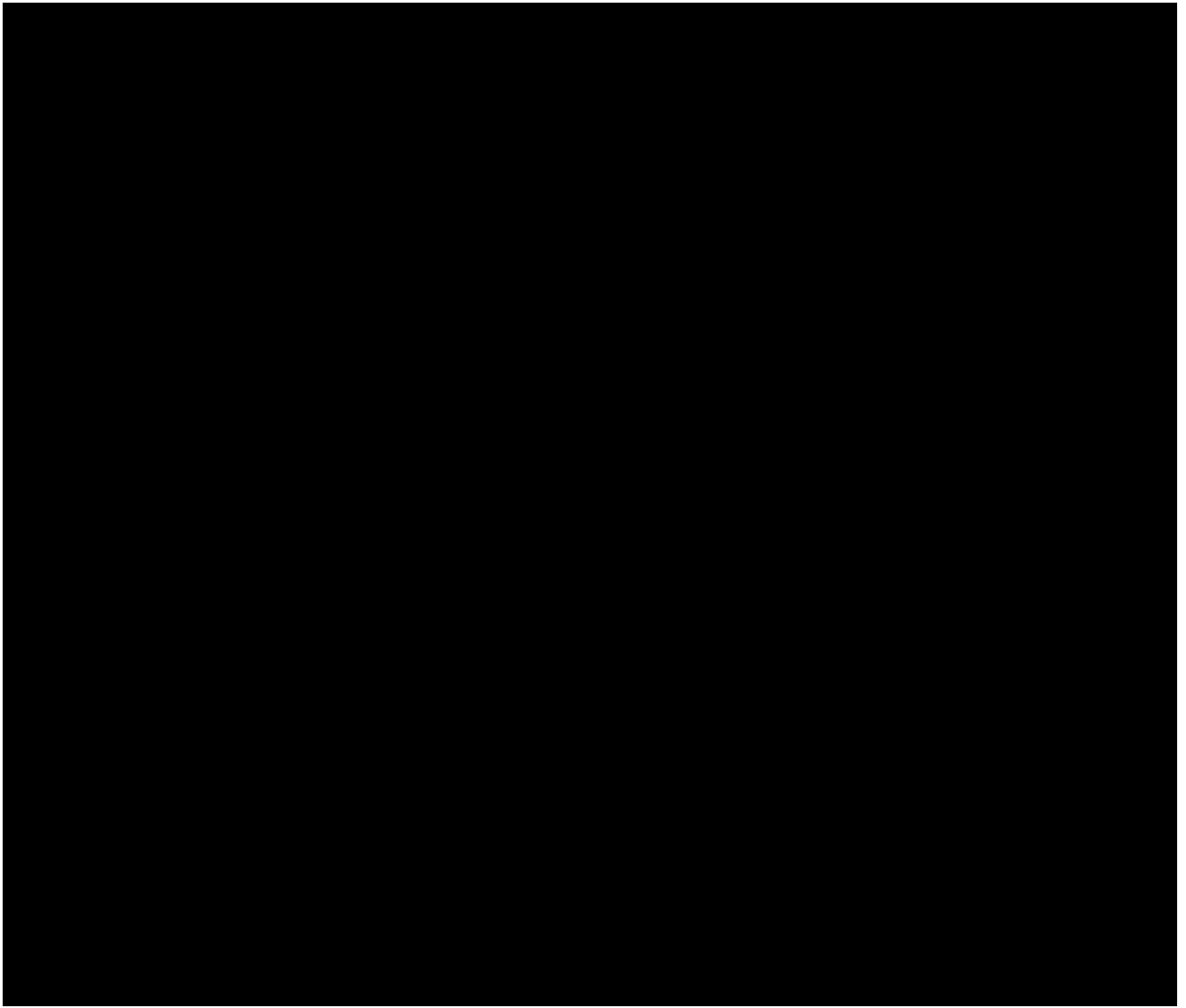
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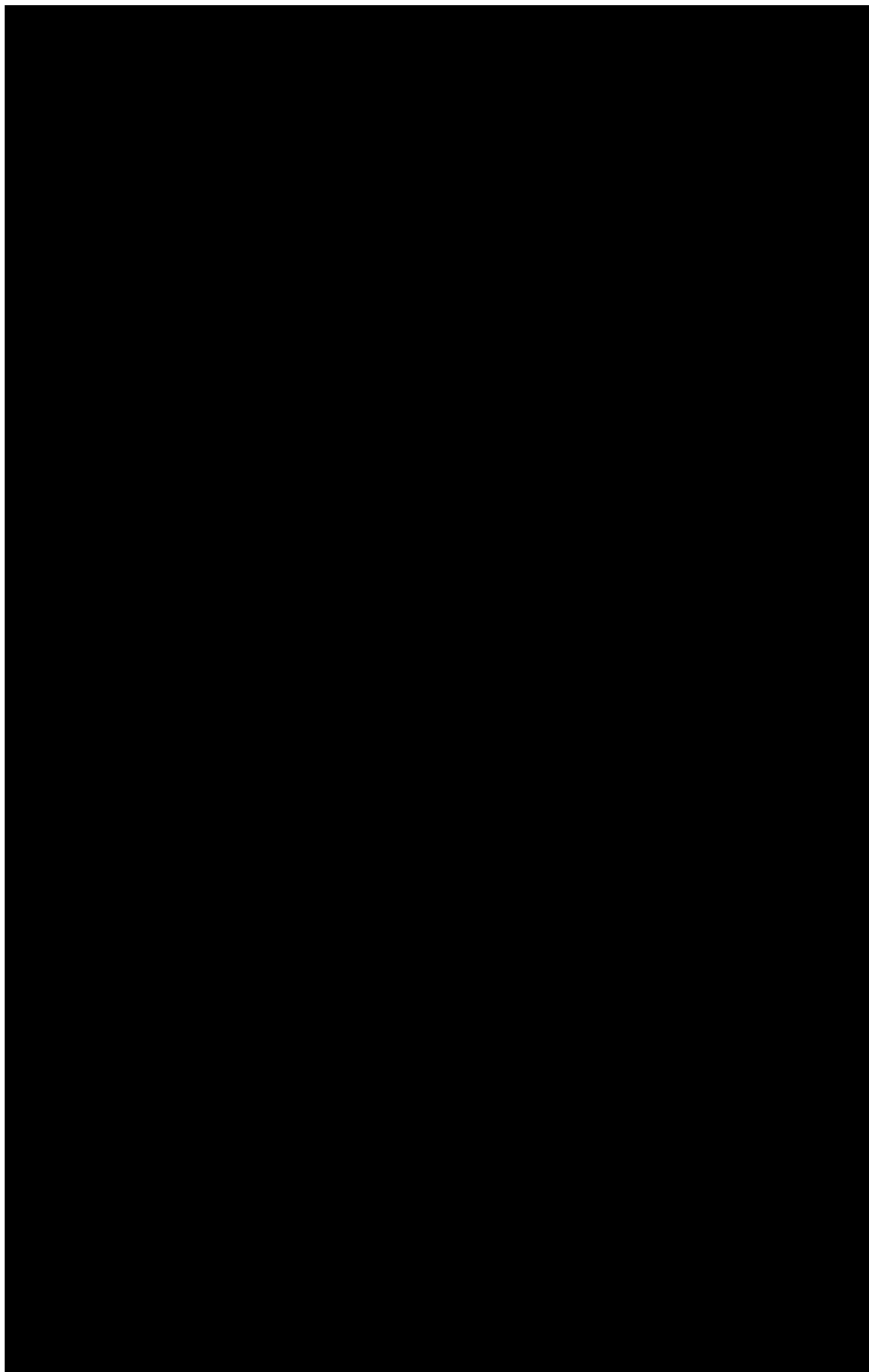
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[The following text is a dense, handwritten manuscript, likely a letter or a page from a book. It is written in a cursive script and is mostly illegible due to the quality of the scan. The text appears to be a continuous paragraph or a series of connected sentences. The handwriting is somewhat slanted and the ink is dark. There are some words that are more legible than others, but the overall content cannot be accurately transcribed.]

[REDACTED]



1. *Journal of the American Medical Association*, 2000; 283: 2689-2693.

the 1990s, the number of people in the UK who are employed in the public sector has increased by 1.5 million, from 2.5 million in 1980 to 4 million in 1995. The public sector has also become an important employer of women, with 4.5 million women employed in the public sector in 1995, compared with 3.5 million in 1980.

There are a number of reasons why the public sector has become an important employer of women. One reason is that the public sector has a high proportion of women in its workforce. In 1995, 85% of the public sector workforce were women, compared with 75% in 1980.

Another reason is that the public sector has a high proportion of women in its senior management. In 1995, 35% of the public sector senior management were women, compared with 25% in 1980.

A third reason is that the public sector has a high proportion of women in its part-time workforce. In 1995, 45% of the public sector workforce were part-time, compared with 35% in 1980.

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The public sector has also become an important employer of people who are over 50 years of age. In 1995, 1.5 million people over 50 years of age were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are under 25 years of age. In 1995, 1.5 million people under 25 years of age were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from ethnic minorities. In 1995, 1.5 million people from ethnic minorities were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Caribbean. In 1995, 1.5 million people from the Caribbean were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Indian subcontinent. In 1995, 1.5 million people from the Indian subcontinent were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from Pakistan. In 1995, 1.5 million people from Pakistan were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from Bangladesh. In 1995, 1.5 million people from Bangladesh were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from Africa. In 1995, 1.5 million people from Africa were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from Asia. In 1995, 1.5 million people from Asia were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Middle East. In 1995, 1.5 million people from the Middle East were employed in the public sector, compared with 1 million in 1980.

The public sector has also become an important employer of people who are from the Pacific. In 1995, 1.5 million people from the Pacific were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from the Americas. In 1995, 1.5 million people from the Americas were employed in the public sector, compared with 1 million in 1980.

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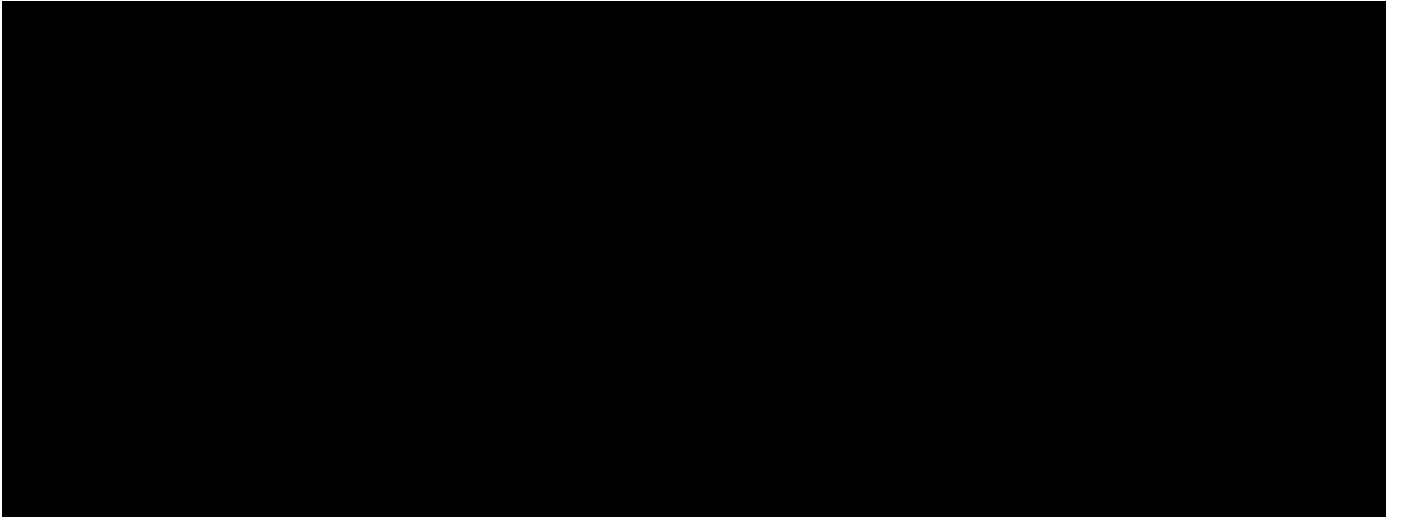
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The public sector has also become an important employer of people who are from Africa. In 1995, 1.5 million people from Africa were employed in the public sector, compared with 1 million in 1980. The public sector has also become an important employer of people who are from Asia. In 1995, 1.5 million people from Asia were employed in the public sector, compared with 1 million in 1980.

[The following text is a dense, continuous block of illegible characters and symbols, likely representing a corrupted scan of a document page. It contains no discernible words or structure.]

[The following text is a dense, continuous block of text, likely a scan of a document page. It is mostly illegible due to extreme blurring and low contrast. The text appears to be a single paragraph or a series of lines of prose, but the specific words and sentences cannot be transcribed accurately.]

[The following text is a dense, continuous block of illegible characters and symbols, likely representing a corrupted scan of a document page. It contains no discernible words or structure.]



Permanent Secretary
Leslie Evans

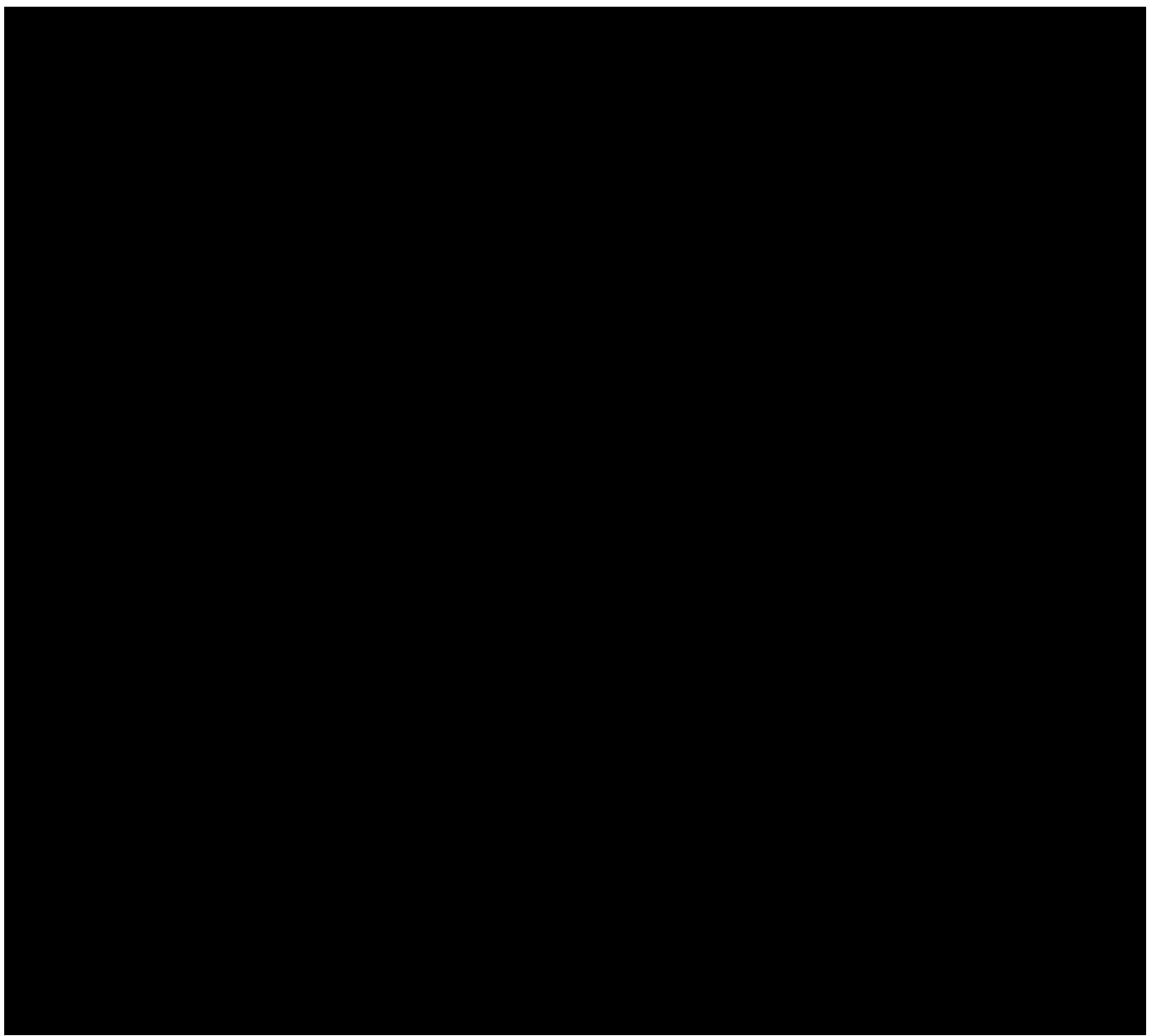


Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0131-244 4026
E: PermanentSecretary@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

c/o [REDACTED]



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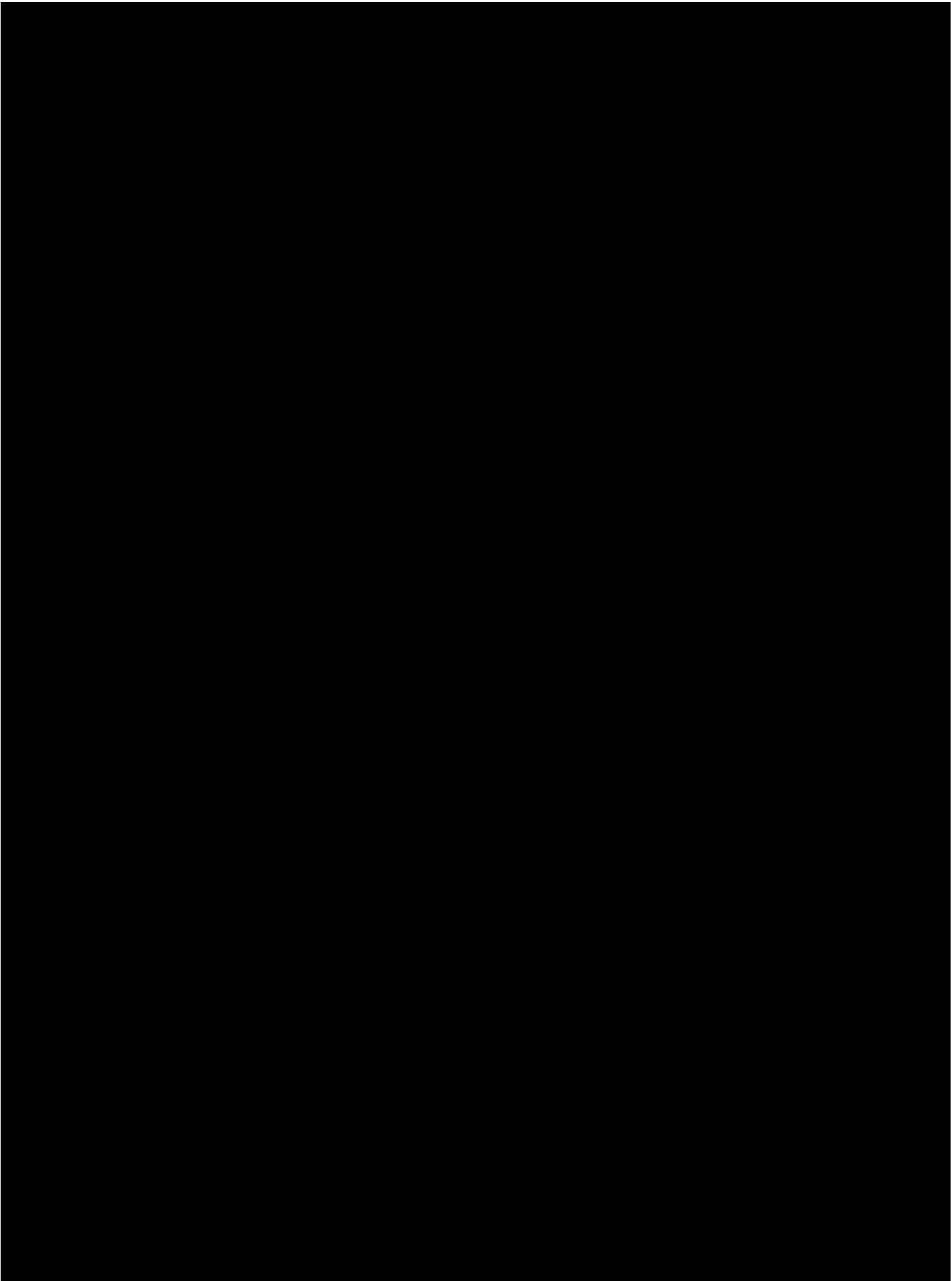
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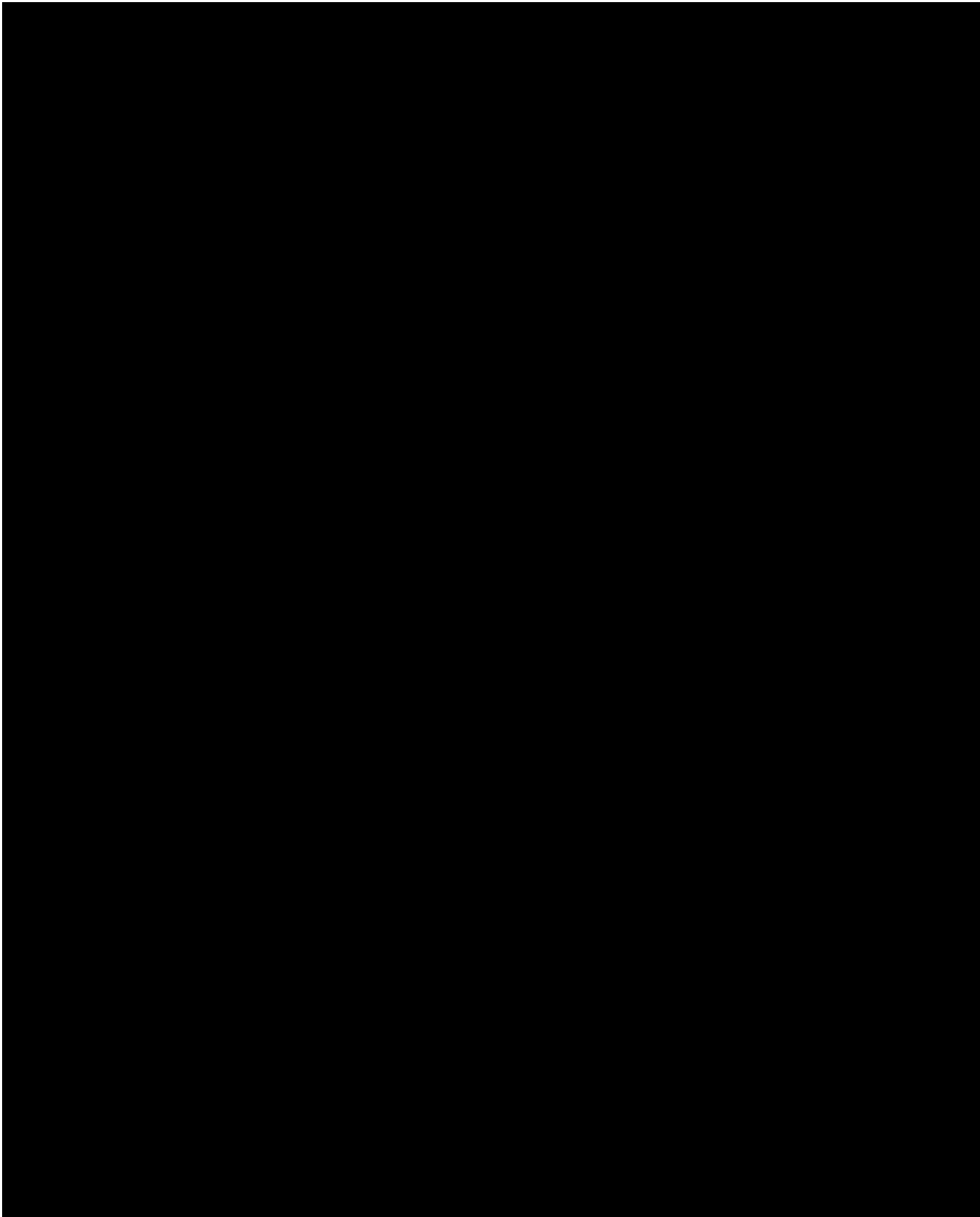




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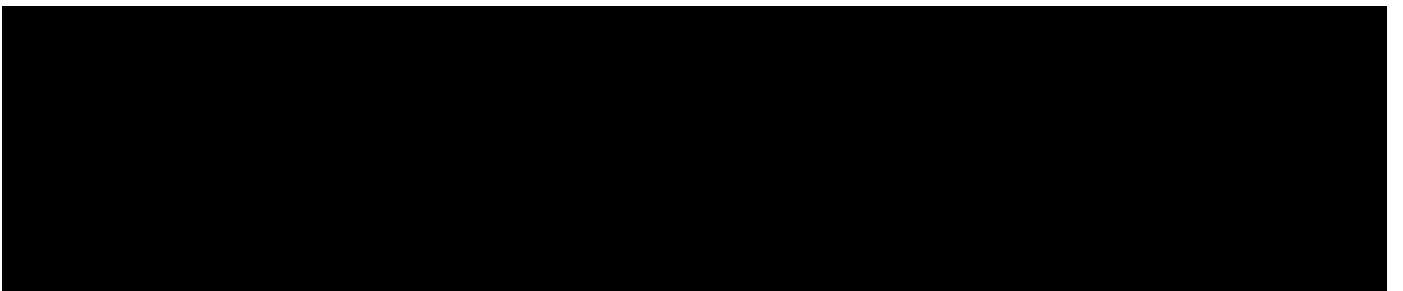
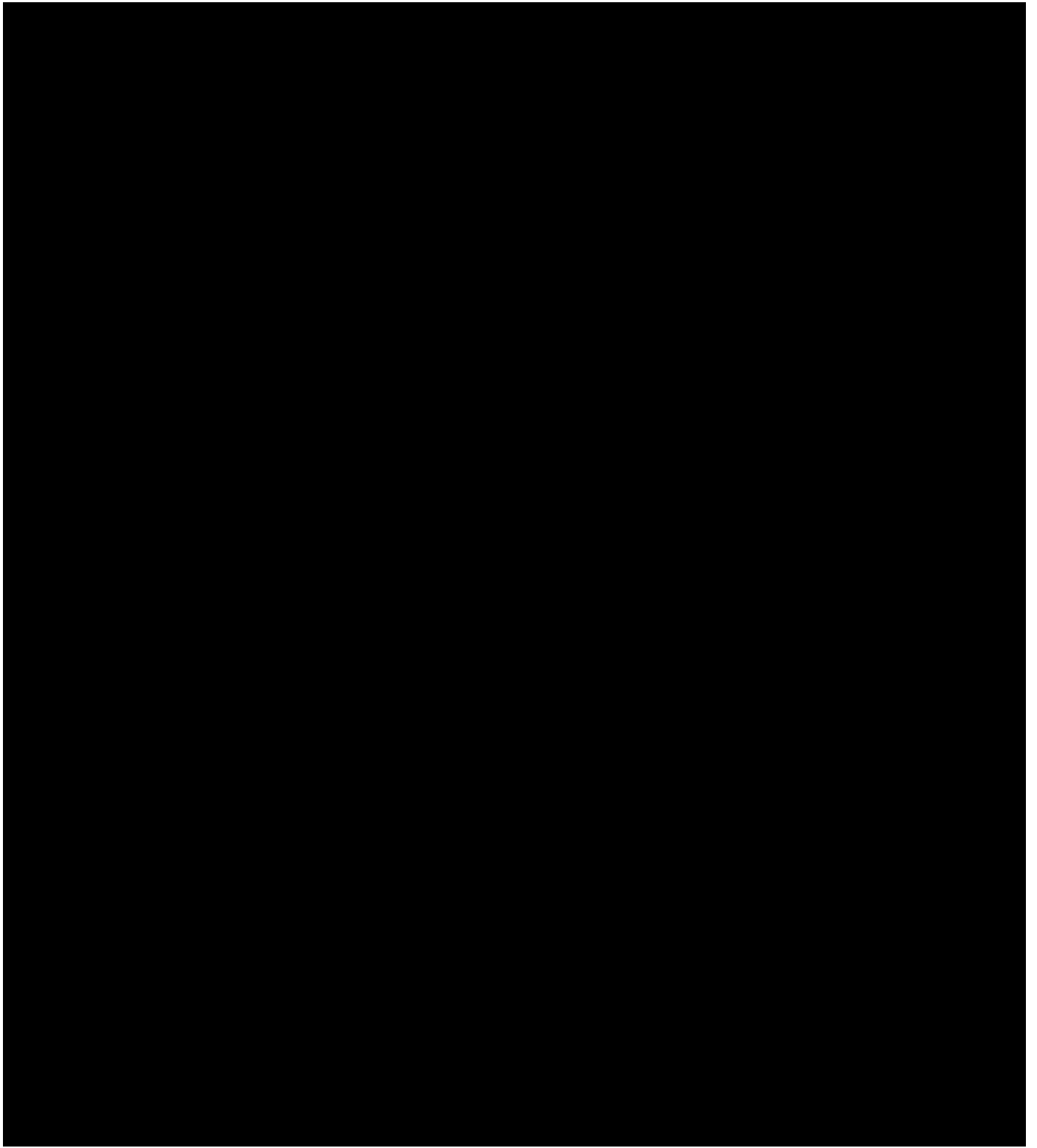
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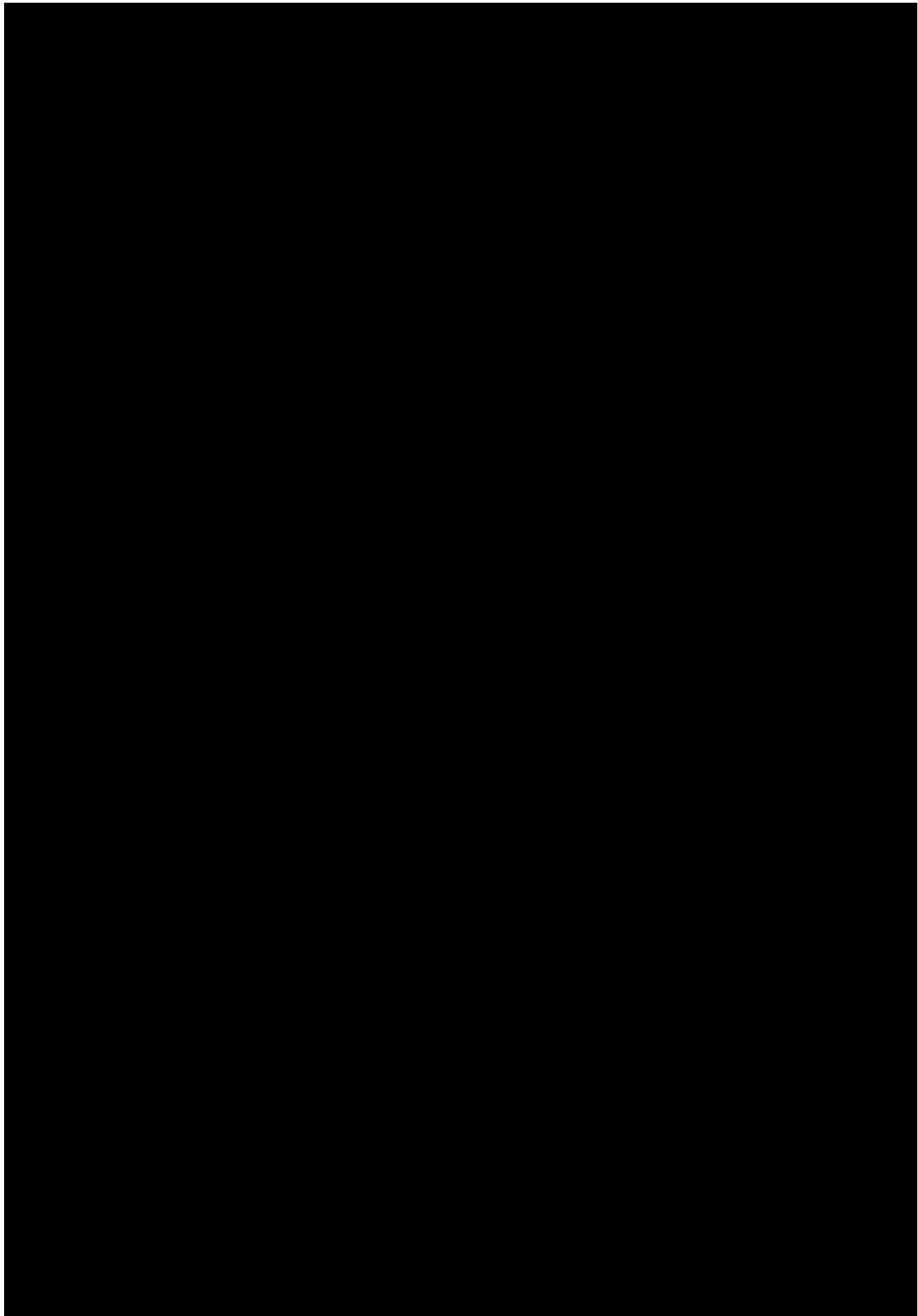


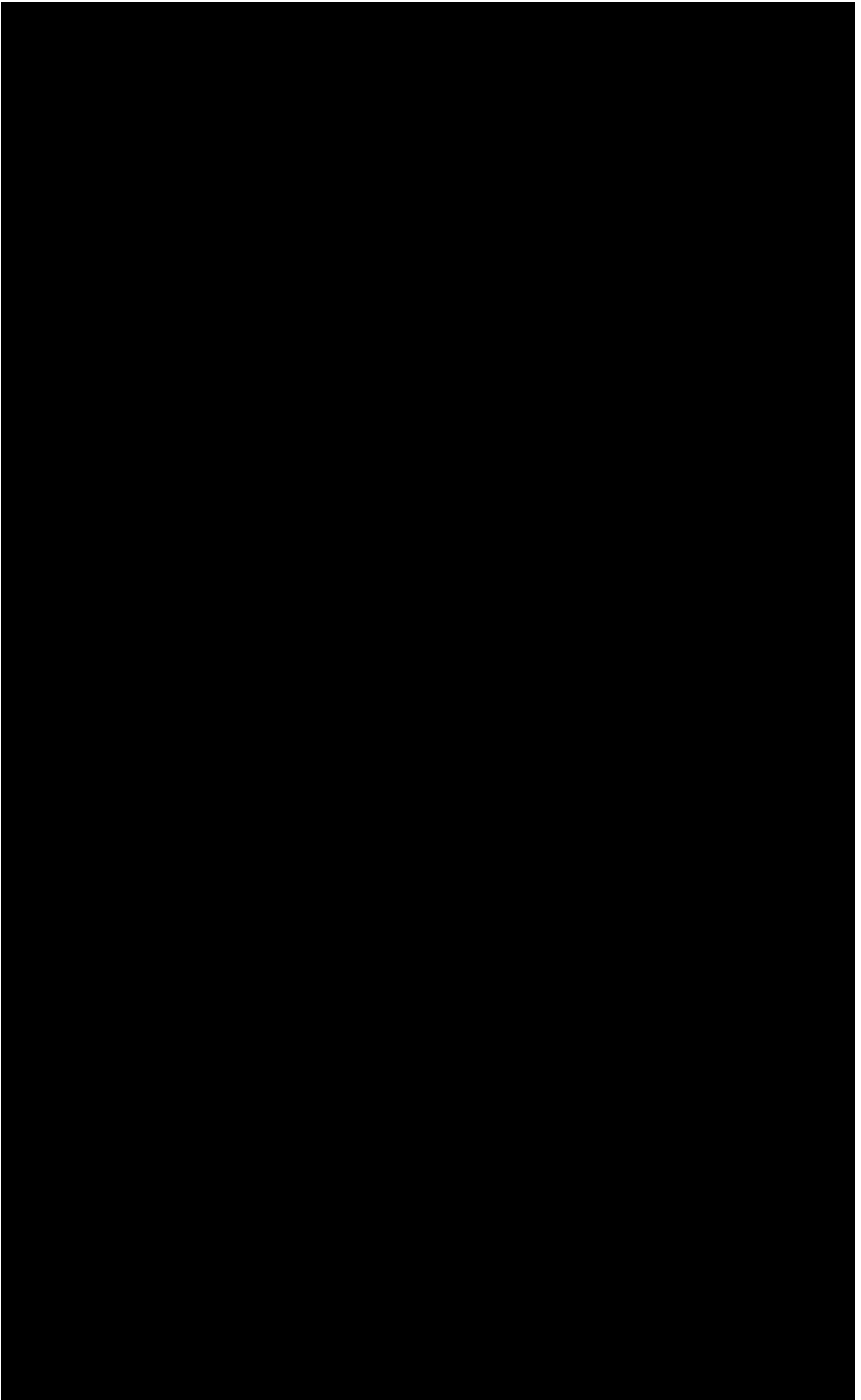


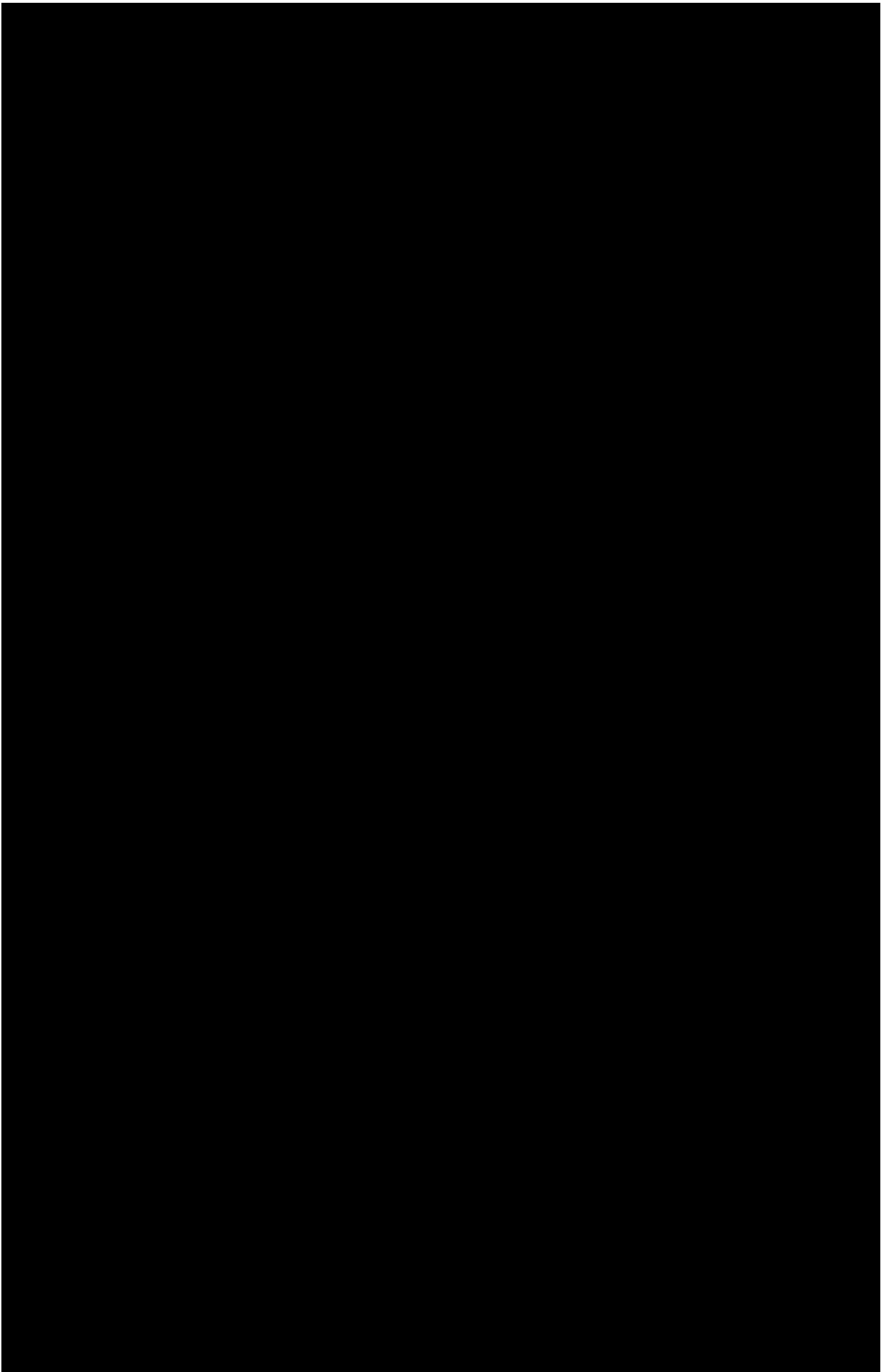
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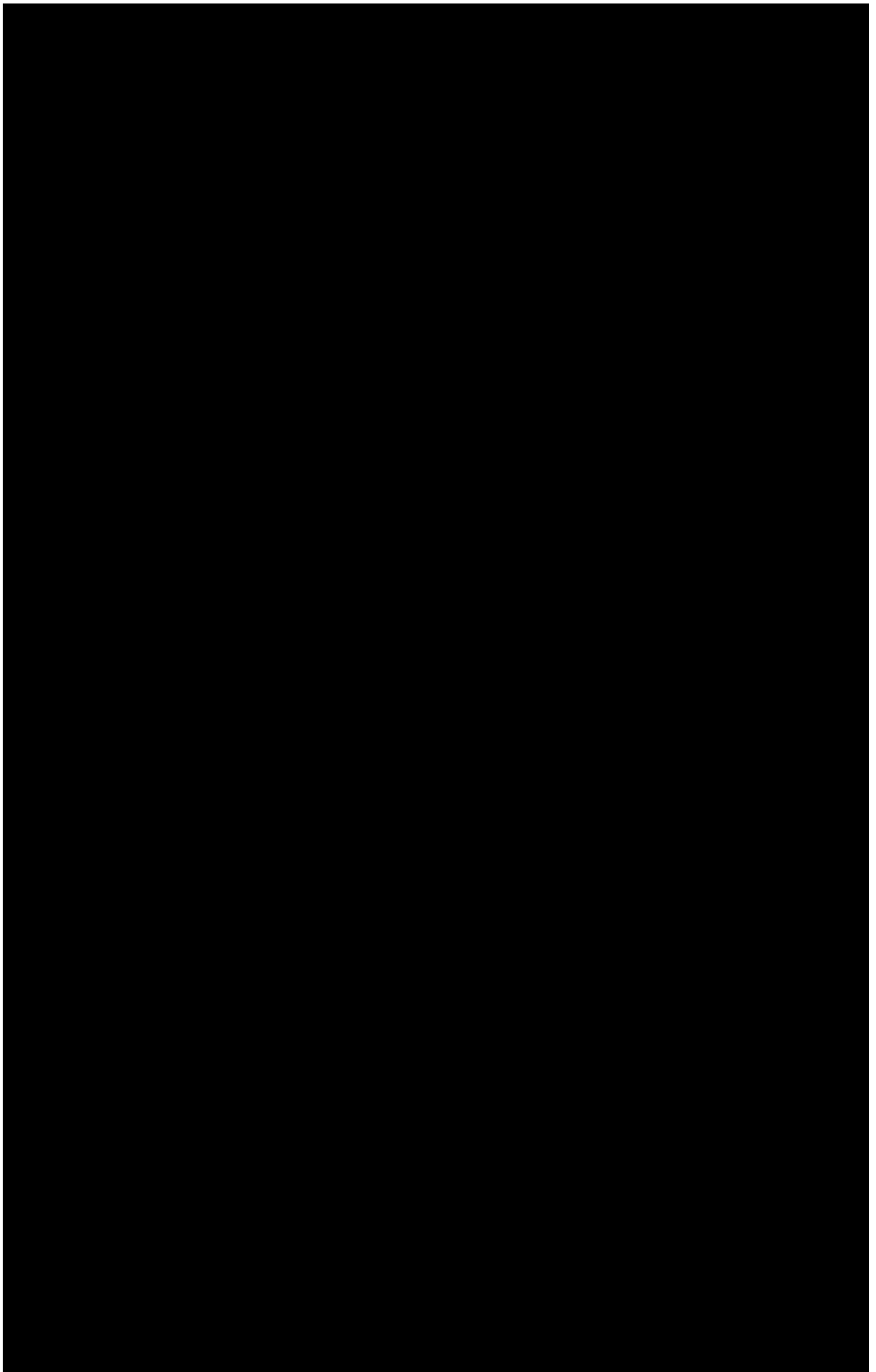
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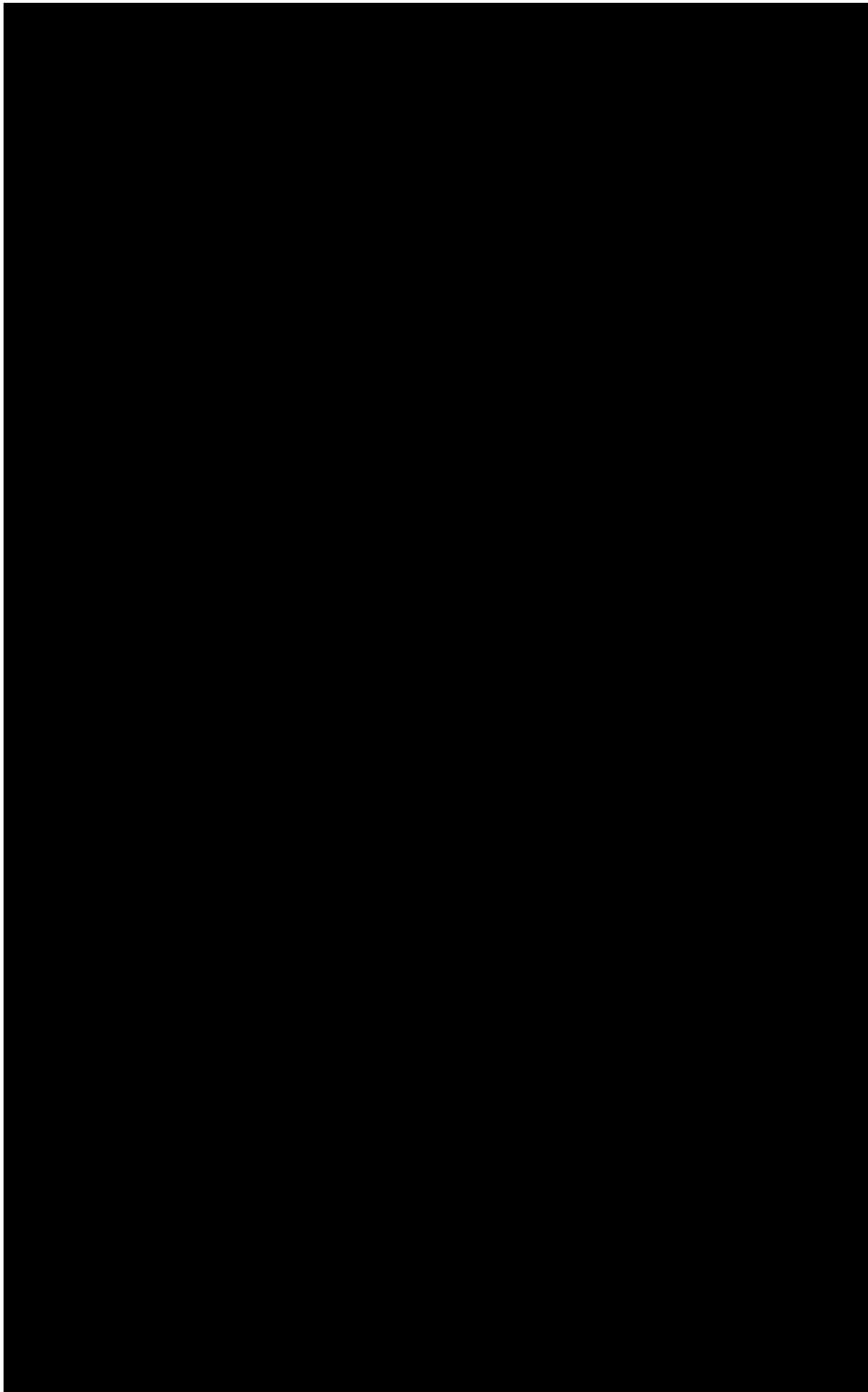


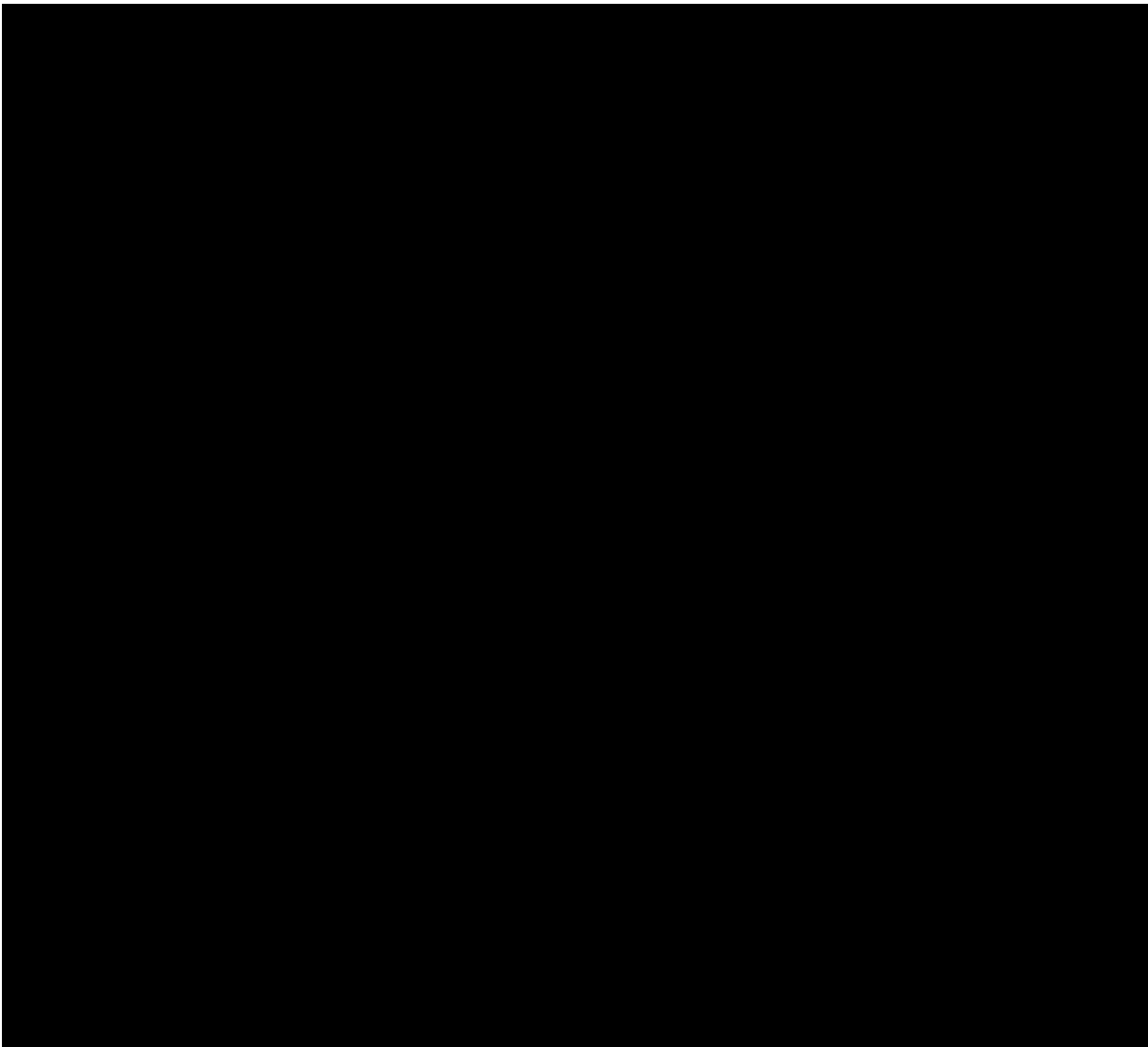


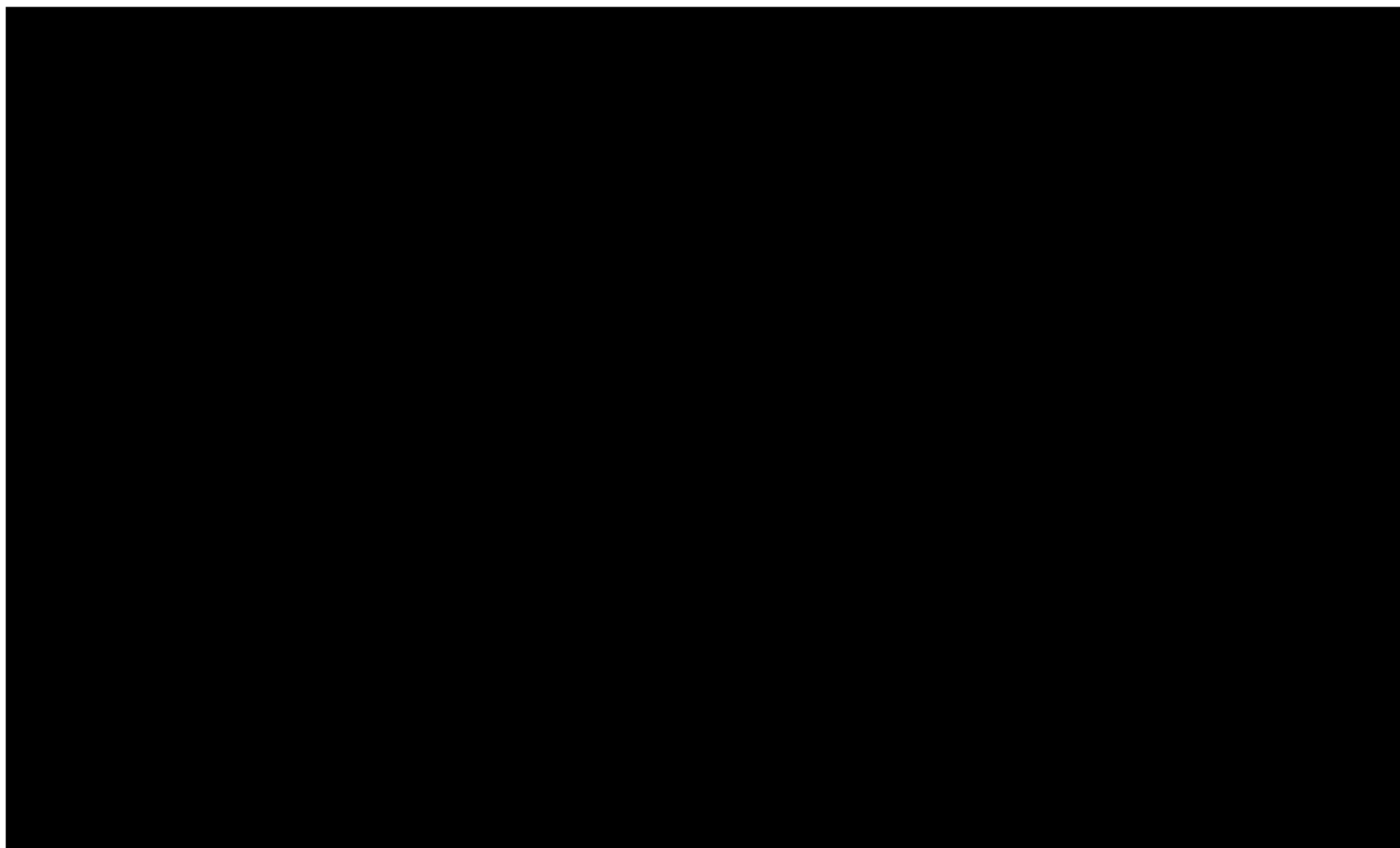
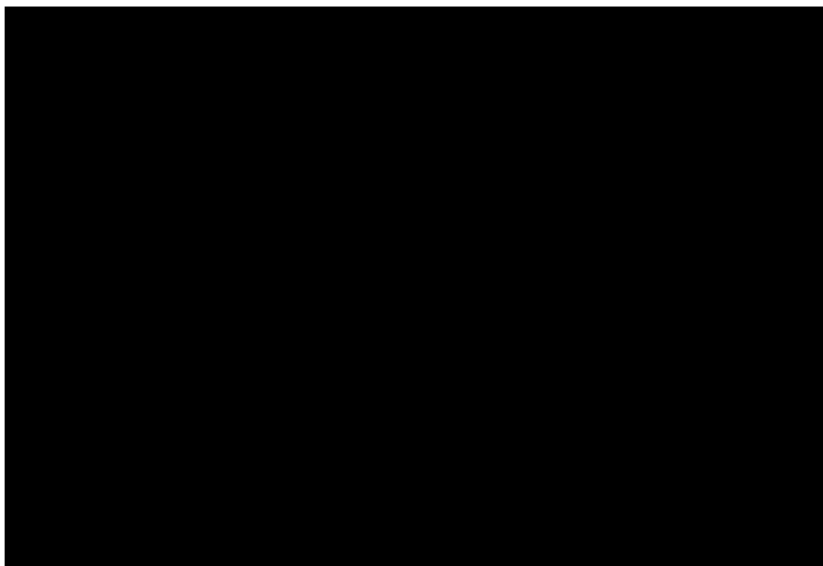
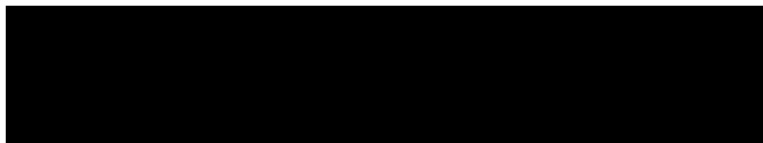


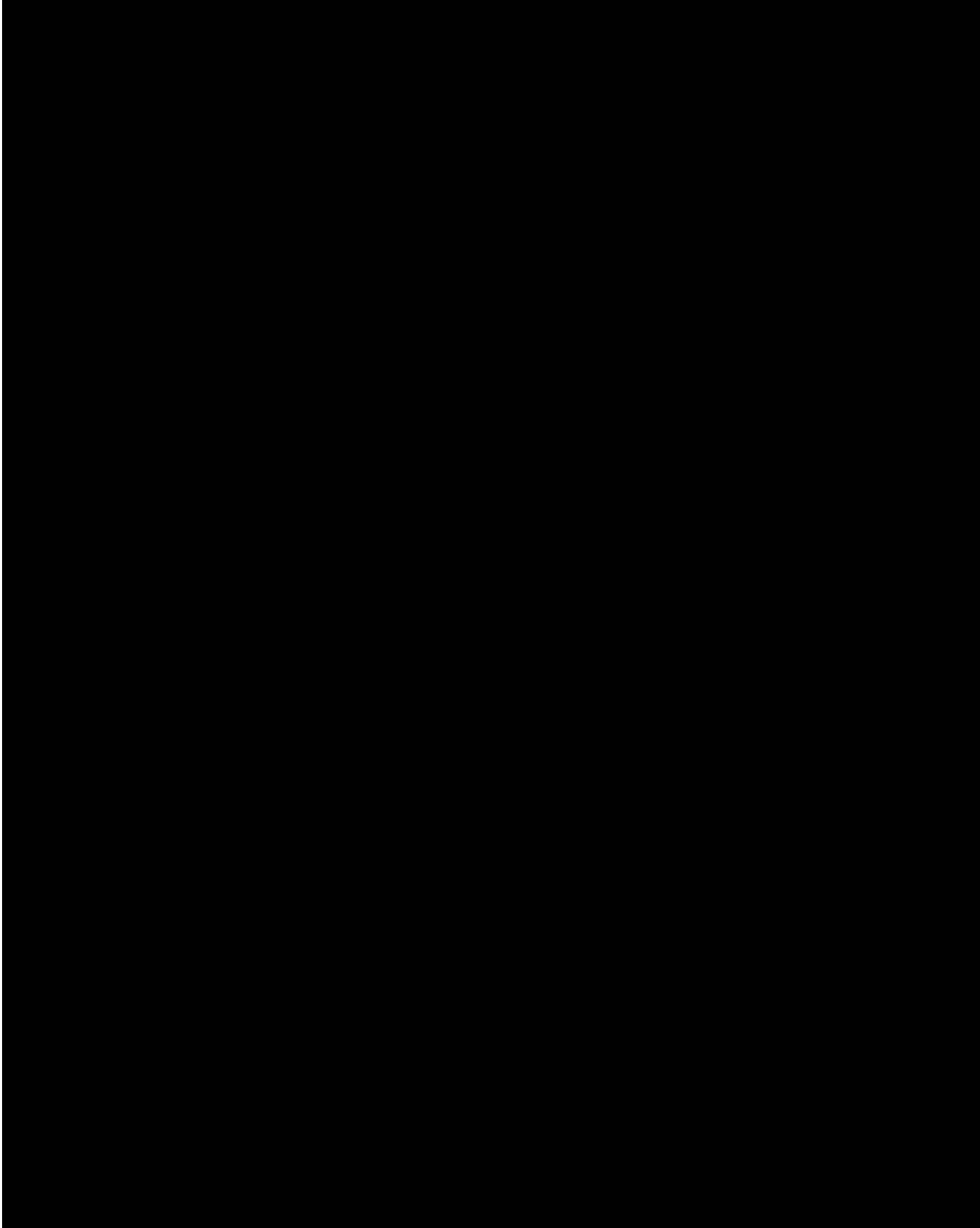


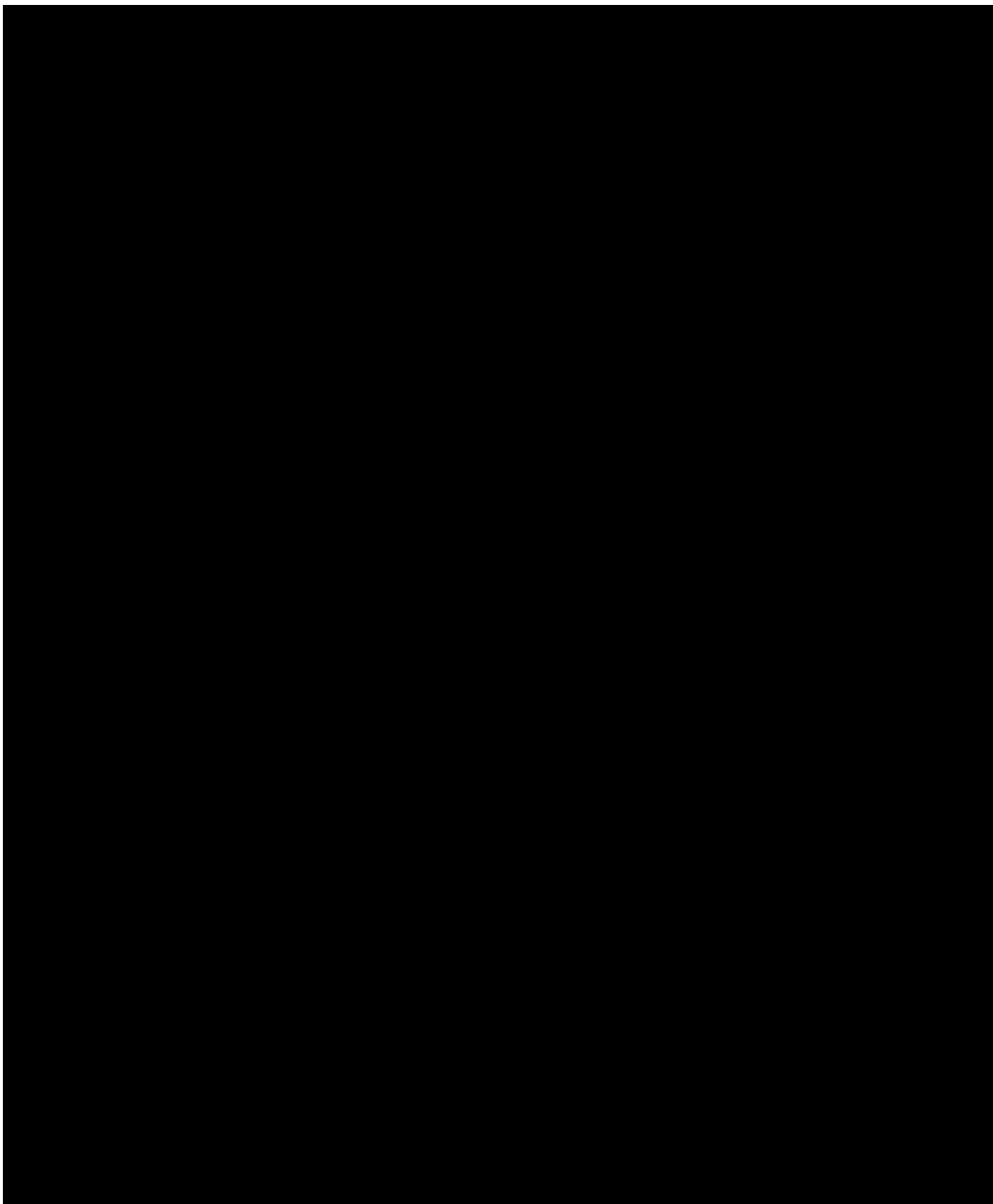


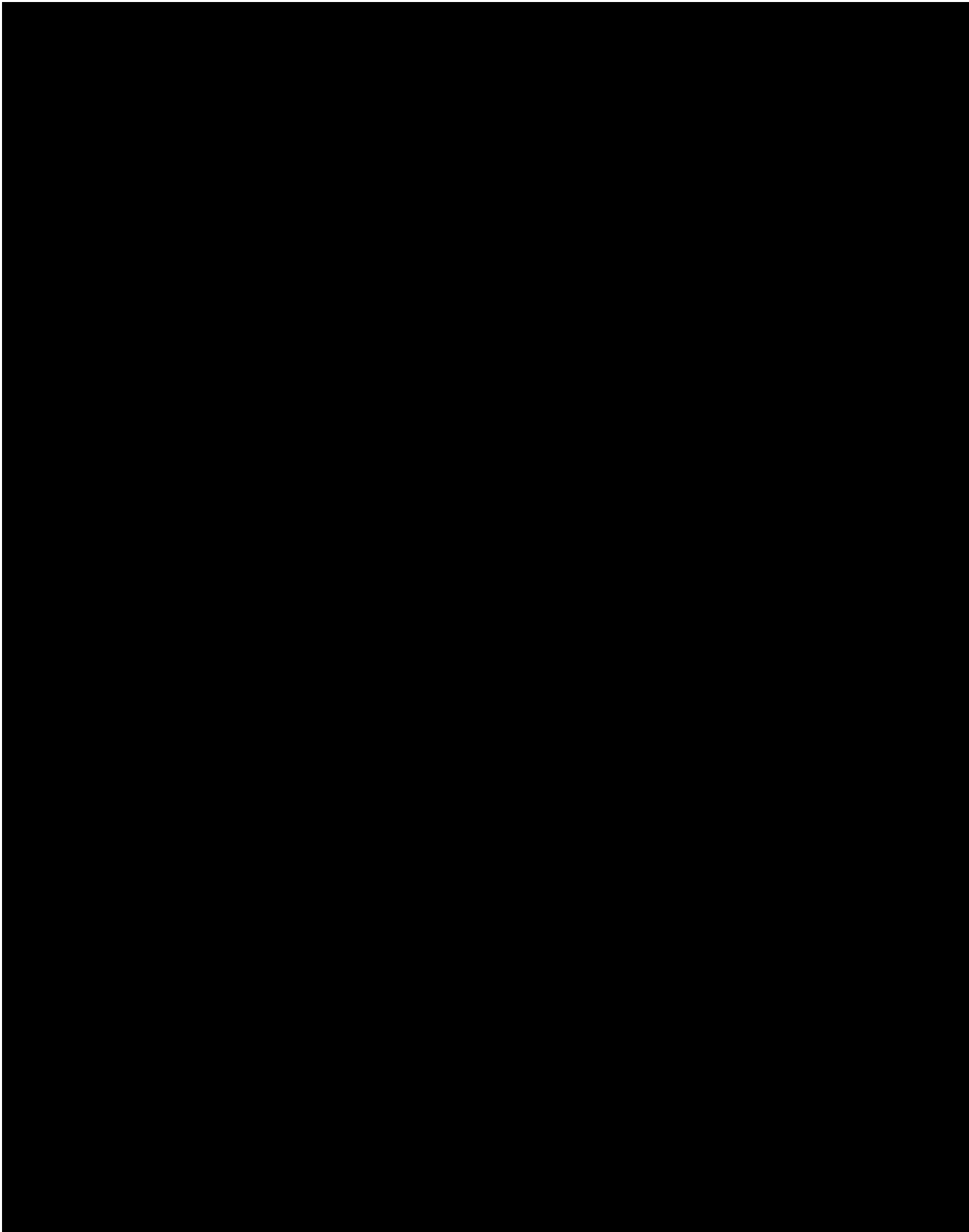


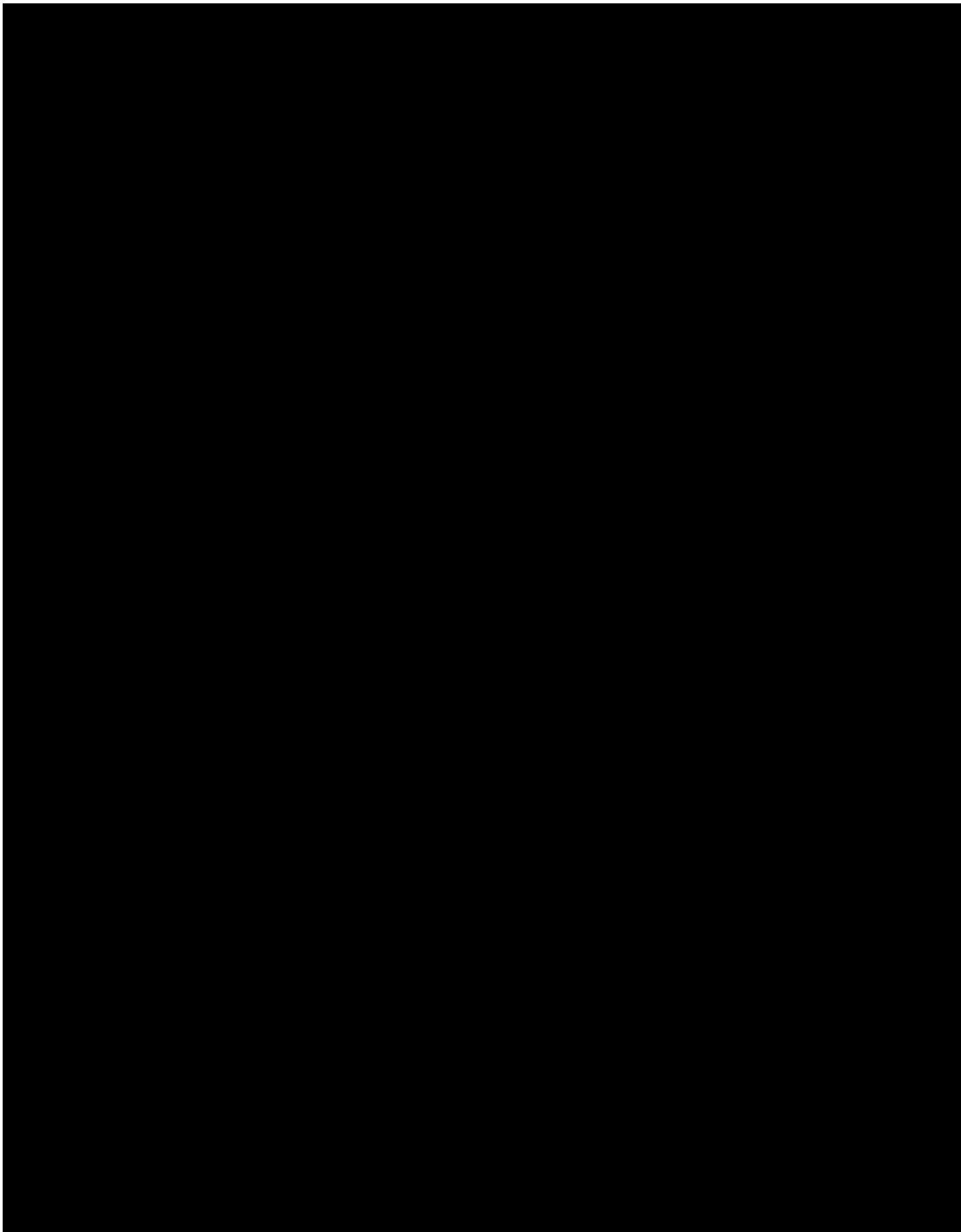


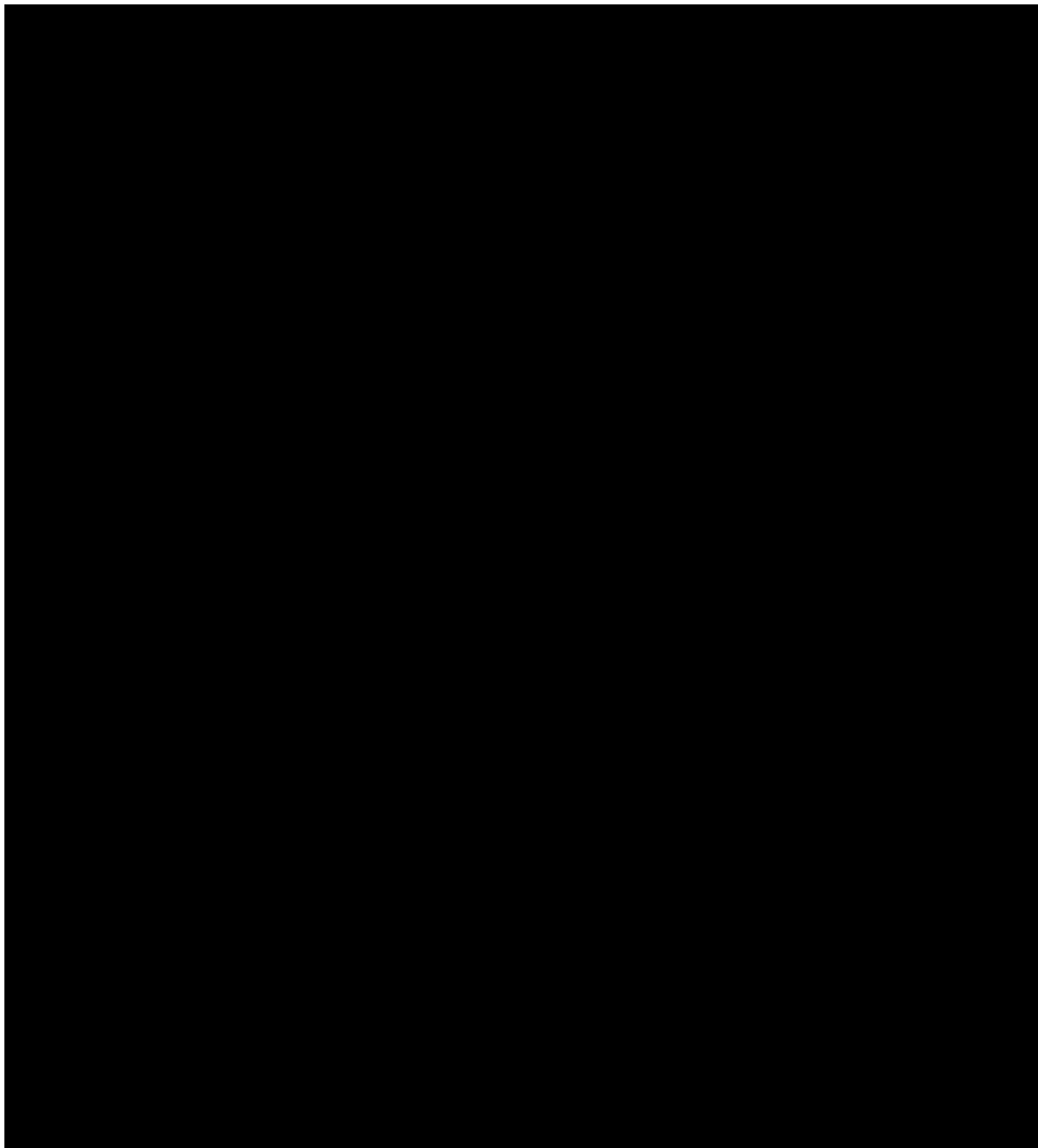














From: [REDACTED]
Sent: 10 March 2021 10:39
To: Alex Salmond [REDACTED]
Subject: RE: For the attention of James Hamilton

Dear Alex,

Many thanks for sending this, I forwarded the email and the enclosed attachments to Mr Hamilton yesterday afternoon. I will let you know as soon as possible if he has any questions.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 09 March 2021 16:12
To: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: For the attention of James Hamilton

[REDACTED]

Please could you kindly pass this email and the enclosed attachments, to Mr Hamilton

Thank you

Alex

Dear Mr Hamilton,

I enclose;

(a) My submission on Ministerial Code issues arising; and

[REDACTED]

following on from the legal advice published last week by the Scottish Government.

Yours sincerely,

Alex Salmond

[REDACTED]

[REDACTED]

[REDACTED]

<DFMCSE@gov.scot>

Cc: Cabinet Secretary for Finance <CabSecFinance@gov.scot>

Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>;

Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>

Chief Financial Officer <cfo@gov.scot>; Rennick NS (Neil)

<Neil.Rennick@gov.scot>;

<gov.scot>;

<gov.scot>;

McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

Official – Sensitive

PS/Deputy First Minister

Copy as above

I attach a submission for Mr Swinney's attention.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: E: david.rogers@gov.scot

From: Hynd JS (James) <James.Hynd@gov.scot>

Sent: 11 January 2021 09:37

To: Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [REDACTED]@gov.scot>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: Ministerial code investigation

Gavin

As you know I am recused from any involvement in Mr Hamilton's enquiries. I am passing on the letter to [REDACTED] who is leading on these matters.

James

James Hynd

Head of Cabinet, Parliament and Governance Division

Room 4N:03

St Andrew's House

Edinburgh
[REDACTED]

From: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Sent: 11 January 2021 09:09

To: Hynd JS (James) <James.Hynd@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: FW: Ministerial code investigation

Importance: High

James, David,

Do you have a view as to whether this sits with you given the ministerial code issues?

Thanks,

Gavin

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 10 January 2021 18:42

To: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <Neil.Rennick@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Macniven R (Ruairaidh) <Ruairaidh.Macniven@gov.scot>; French C (Craig) <Craig.French@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: Ministerial code investigation
Importance: High

All,

Please see attached letter just received. Grateful for urgent advice/draft reply.

Many thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG [REDACTED] | E: DFMCSE@gov.scot

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From: Cole-Hamilton A (Alex), MSP <Alex.Cole-Hamilton.msp@parliament.scot>
Sent: 10 January 2021 18:33
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Swinney J (John), MSP <John.Swinney.msp@parliament.scot>
Cc: Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>; Mitchell M (Margaret), MSP <Margaret.Mitchell.msp@parliament.scot>; Fraser M (Murdo), MSP <Murdo.Fraser.msp@parliament.scot>
Subject: Ministerial code investigation
Importance: High

Dear John

Please find attached a joint letter from myself, Jackie Baillie, Murdo Fraser and Margaret Mitchell, formally asking you to expand the remit of the current Ministerial Code investigation into the actions of Nicola Sturgeon MSP, undertaken by James Hamilton QC.

We look forward to your response.
Best wishes and keep well

Alex
And on behalf of Jackie, Murdo and Margaret.

Alex Cole-Hamilton
Member of the Scottish Parliament for Edinburgh Western Constituency
The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road I
Edinburgh I EH12 7SD
alex.cole-hamilton.msp@parliament.scot

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10th January 2021

Dear Deputy First Minister,

Formal request to expand the current Ministerial Code investigation of Nicola Sturgeon MSP, to include possible breaches of Section 1 (c).

We are writing to you as a cross party group of MSPs, informed by our work as members of the committee of inquiry into the Scottish Government Handling of Harassment Complaints. We ask that you formally expand the remit of the current investigation into whether Nicola Sturgeon breached the Ministerial code under the terms of Section 1(c) in relation to the harassment complaints against Alex Salmond, the government's handling of the same and her statements to Parliament on this matter.

Under the terms of the self-referral by Nicola Sturgeon, James Hamilton QC is currently limited to ascertaining whether the First Minister failed to feed back the basic facts of several meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code and furthermore whether she sought to influence the government handling of the complaints against him in any way.

Following sight of the account of the Former First Minister published on Friday and in light of other material available to our committee, we believe it is now vital that Mr Hamilton's investigation be expanded to include consideration of another potential breach, by the First Minister, this time of Section 1 (c) of the Ministerial code: *"Section 1 (c) It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation to the First Minister;"*

Mr Salmond's submission raises many questions, some are beyond the scope of our inquiry, but they are clearly at odds with the account of events offered to Parliament by the First Minister. If corroborated, Mr Salmond's evidence could prove that the First Minister knowingly misled Parliament both orally and in writing on several occasions about when she first knew that your government was investigating complaints against the former First Minister and of her actions around the same. Equally, Mr Salmond may be fabricating his assertions in an effort to damage Ms Sturgeon. In any case these two versions of events cannot both be true and we believe it to be of paramount importance to the national interest that the facts of the matter are established.

When asked previously, both yourself and the First Minister have repeatedly suggested that James Hamilton QC is at liberty to expand the remit of his inquiry

should the evidence require it. Indeed, on the 29th of October 2020, Nicola said at First Minister's Questions:

“My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them.”

However, we understand that as he is engaged in a quasi-judicial process, he cannot indulge in mission creep and that the remit may only be formally expanded by an official directive from your government.

Please consider this a formal request for you to widen the remit of Mr Hamilton's investigation with such a directive.

We look forward to your response.

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP

From: [REDACTED]@gov.scot>

Sent: 11 January 2021 09:49

To: Hynd JS (James) <James.Hynd@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: Ministerial code investigation

Hi Gavin,

I think this would sit with me to deal with. I will have a look at it shortly.

Happy to discuss.

Best wishes,

[REDACTED]

From: Hynd JS (James) <James.Hynd@gov.scot>

Sent: 11 January 2021 09:37

To: Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: Ministerial code investigation

Gavin

As you know I am recused from any involvement in Mr Hamilton's enquiries. I am passing on the letter to [REDACTED] who is leading on these matters.

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Sent: 11 January 2021 09:09

To: Hynd JS (James) <James.Hynd@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: FW: Ministerial code investigation

Importance: High

James, David,

Do you have a view as to whether this sits with you given the ministerial code issues?

Thanks,

Gavin

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 10 January 2021 18:42
To: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; French C (Craig) <Craig.French@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: Ministerial code investigation
Importance: High

All,

Please see attached letter just received. Grateful for urgent advice/draft reply.

Many thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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From: Cole-Hamilton A (Alex), MSP <Alex.Cole-Hamilton.msp@parliament.scot>
Sent: 10 January 2021 18:33
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Swinney J (John), MSP

<John.Swinney.msp@parliament.scot>

Cc: Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>; Mitchell M (Margaret), MSP <Margaret.Mitchell.msp@parliament.scot>; Fraser M (Murdo), MSP <Murdo.Fraser.msp@parliament.scot>

Subject: Ministerial code investigation

Importance: High

Dear John

Please find attached a joint letter from myself, Jackie Baillie, Murdo Fraser and Margaret Mitchell, formally asking you to expand the remit of the current Ministerial Code investigation into the actions of Nicola Sturgeon MSP, undertaken by James Hamilton QC.

We look forward to your response.
Best wishes and keep well

Alex

And on behalf of Jackie, Murdo and Margaret.

Alex Cole-Hamilton

Member of the Scottish Parliament for Edinburgh Western Constituency
The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road I
Edinburgh I EH12 7SD
alex.cole-hamilton.msp@parliament.scot

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From: [REDACTED]
Sent: 11 March 2021 14:49
To: James Hamilton [REDACTED]
Subject: RE: FW: USUAL CHECK

Hi James,

Many thanks. I wonder if something like " Mr Hamilton intends to finalise his report next week" might be vague enough?

The indemnity should be in hand- you should expect a letter shortly!

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]
Sent: 11 March 2021 13:53
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: FW: USUAL CHECK

Hi [REDACTED]

I am happy to go with next Tuesday as we discussed yesterday evening but we had better check first with Mr Ross that he does not see any major obstacle.

Don't forget the indemnity! I need it before handing anything over!

James

On Thu, 11 Mar 2021 at 12:53, <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> wrote:
Hi James,

We have a couple of enquiries about timing of the report- I wanted to check if you thought we could move to something a little more definite? If we do, I would suggest we let the Committee know as well.

Best wishes,

[REDACTED]

From: Boothman, John <john.boothman@sunday-times.co.uk>
Sent: 11 March 2021 12:46
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: USUAL CHECK

Good afternoon,

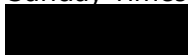
Just my usual check.

Is there any further information regarding when Mr. Hamilton's will hand over his report to the Scottish government?

Can I also check that this will happen before the 25th March when the parliament rises for the election.

Best regards,

John Boothman
Sunday Times



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From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 11 March 2021 16:15
To: Chief Financial Officer <cfo@gov.scot>
Cc: Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE



Thank you. I discussed this with Ken Thomson as the relevant accountable officer. His view is that the proposal is neither novel, given its consistency with the approach for other office holders, or contentious, given that it is clearly essential for the independent adviser to be able to perform the role.

I will write to Mr Hamilton today.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG |  | E: david.rogers@gov.scot

From: Chief Financial Officer <cfo@gov.scot>
Sent: 09 March 2021 21:24
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

David

Thanks for copying me into this. I picked this up within my directorate again today. As I noted last night, Finance has a commitment to report all contingent liabilities to Parliament and we are working through the process to do that going forward, which will be in the new parliamentary session and we expect will be at least annually. However given the wording of the SPFM and the written agreement it would prudent, if the Accountable Officer felt that this contingent liability was sufficiently novel or contentious, that they should notify Parliament out with the reporting process that will be put in place. The information I have seen on this suggests that the indemnity in itself is not novel or contentious but it will be for you and your accountable officer to reach a view on. I just wanted flag this – it doesn't change anything in the advice you have submitted to DFM.

Happy to discuss if helpful.

Regards



From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 09 March 2021 19:13

To: Deputy First Minister and Cabinet Secretary for Education and Skills

<DFMCSE@gov.scot>

Cc: Cabinet Secretary for Finance <CabSecFinance@gov.scot>; [REDACTED]

[REDACTED] Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>;

Thomson KAL (Ken) (Director-General) <Ken.Thomson@gov.scot>; [REDACTED]

[REDACTED]; Chief Financial Officer <cfo@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>;

[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED]
[REDACTED]; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: OFFICIAL - SENSITIVE: INDEMNITY FOR THE INDEPENDENT ADVISER ON THE MINISTERIAL CODE

Official – Sensitive

PS/Deputy First Minister

Copy as above

I attach a submission for Mr Swinney's attention.

David Rogers

[REDACTED]

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: [James Hamilton](#)
To: [REDACTED]
Subject: Re: FW: Mail - James Hamilton inquiry
Date: 12 January 2021 15:41:18

[REDACTED], I agree.

J

On Tue, 12 Jan 2021 at 15:10, [REDACTED]@gov.scot> wrote:

Hi James,

The Daily Mail are looking for a line- evidently they have been passed the email from me to MSPs from yesterday.

I think the no comment line works if you want to issue anything to the Daily Mail- I've copied it below for reference.

Mr Hamilton does not propose to make any public comment pending the issuing of his report.

Best wishes,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 12 January 2021 14:37
To: [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>
Subject: Mail - James Hamilton inquiry

[REDACTED]

She says she understands James Hamilton is considering the opposition request to widen his inquiry (I asked where this came from, she said she couldn't tell me)

She says she understands SG does comms on his behalf, so has asked if either Mr Hamilton or SG (or both) can comment

Can I leave with you? I'll add to Googledoc.

Thanks



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From: [REDACTED]@gov.scot>
Sent: 12 January 2021 17:42
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: Ministerial code

I can't spot anything specific on overall delegation- though this references it .

From: [REDACTED]
Sent: 12 January 2021 17:01
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: Ministerial code

Letter and PQ stuff is attached, as is a discussion on the press line.

The documents from when the review were set up are in eRDM- in this folder.
[Ministerial Code Referral - January 2019 - Ongoing: 2019-2024 - Objective ECM \(scotland.gov.uk\)](#)

I think the documents you asked for are at the following links:

[Email Exchanges - Responses from First Minister and Deputy First Minister - DFM finalising GIQ- 31 January 2019 details - Objective ECM \(scotland.gov.uk\)](#)
[Letter to Mr Hamilton - 30 January 2019 details - Objective ECM \(scotland.gov.uk\)](#)

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: 31 January 2019 10:11
To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: FW: Ministerial Code

[REDACTED]

For the folder please.

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 31 January 2019 09:57
To: First Minister <firstminister@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: [REDACTED]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Johnston P (Paul) <Paul.Johnston@gov.scot>; [REDACTED]@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Ellis T (Tim) <Tim.Ellis@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Martin SM (Stephen) <Stephen.Martin2@gov.scot>
Subject: RE: Ministerial Code

James,

The Deputy First Minister agrees with the contents of this advice to defer the Ministerial Code referral and by separate cover is finalising a GIQ to be answered today.

Thanks,
[REDACTED]

[REDACTED] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED]

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From: Somers J (John) <John.Somers@gov.scot> **On Behalf Of** First Minister
Sent: 30 January 2019 21:03
To: Hynd JS (James) <James.Hynd@gov.scot>; First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Johnston P (Paul) <Paul.Johnston@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Troup C (Colin) (Dr) <Colin.Troup@gov.scot>; Ellis T (Tim) <Tim.Ellis@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Martin SM (Stephen) <Stephen.Martin2@gov.scot>
Subject: RE: Ministerial Code
Importance: High

James,

Thank you for the attached advice. The First Minister has responded that while the recommendation at paragraph 11 seems appropriate given the views expressed by the Crown Agent and the Independent Adviser, the FM would prefer to delegate the final decision on this matter to the Deputy First Minister.

Grateful if you would advise the Deputy First Minister accordingly.

John

John Somers

Principal Private Secretary to the First Minister
Scottish Government



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FirstMinister.gov.scot
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From: Hynd JS (James) <James.Hynd@gov.scot>

Sent: 30 January 2019 19:57

To: First Minister <firstminister@gov.scot>

Cc: [REDACTED] <[REDACTED]@gov.scot>; Permanent Secretary
<PermanentSecretary@gov.scot>; Johnston P (Paul) <Paul.Johnston@gov.scot>;
[REDACTED] <[REDACTED]@gov.scot>; Troup C (Colin)
(Dr) <Colin.Troup@gov.scot>; Somers J (John) <John.Somers@gov.scot>; Ellis T
(Tim) <Tim.Ellis@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]
[REDACTED] <[REDACTED]@gov.scot>; Martin SM (Stephen)
<Stephen.Martin2@gov.scot>

Subject: Ministerial Code

Top copy First Minister

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: 23 January 2019 10:02
To: [REDACTED]@gov.scot>
Subject: FW: Ministerial Code Referral

[REDACTED]

Can this be placed into the eRDM folder please.

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

From: Hynd JS (James)
Sent: 23 January 2019 10:01
To: 'James Hamilton' [REDACTED]
Subject: Ministerial Code Referral

Dear Mr Hamilton

As discussed, please find attached a letter concerning the referral under the Ministerial Code. Also attached is a copy of the near-final remit for the referral, along with the text of the First Minister's statement announcing her decision to self-refer herself to the Independent Advisers.

I look forward to receiving your views on this material.

With best wishes

James

James Hynd
Head of Cabinet, Parliament and Governance Division
Scottish Government
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [REDACTED]
[REDACTED]

Ministerial Code: Referral to Independent Advisers

First Minister Nicola Sturgeon has today confirmed that she will make a referral to the panel of independent advisers on the Ministerial Code.

Confirming the referral, the First Minister said:

“It is in the interests of the women who have complained that the ongoing police investigations are allowed to continue without any risk of prejudice. That must be the priority for everyone.

“Questions have been raised about my meetings and telephone calls with Alex Salmond during the Government’s investigation into the complaints which were made.

“I have acted appropriately and in good faith throughout, and in compliance with the Ministerial Code at all times. However, I have reflected carefully and understand that it is also important for Parliament and the wider public to be assured of that.

“I have therefore decided to refer the matter for consideration by one or both of the Independent Advisers on the Ministerial Code.

“The Independent Advisers will now be consulted on their precise remit, and advice will also be sought on how to ensure that there is no risk of prejudice to the ongoing police investigation. The remit will be published in due course.

The fact remains that at the centre of this issue are two women whose complaints could not be swept under the carpet. Any continuing commentary about these issues at this stage – whether from myself, the Government or Mr Salmond and his representatives – would only serve to distract from and potentially compromise the proper consideration by the police of the subject matter of their investigations. That is something we will not do.”



T: [REDACTED]
James Hamilton
41 Church Street
Skerries
County Dublin
Ireland

23 January 2019

Dear Mr Hamilton

SCOTTISH MINISTERIAL CODE: REFERRAL

I writing to you in connection with the First Minister's decision to refer herself to the Independent Advisers on the Ministerial Code. I re-attach a copy of the First Minister's statement to that effect.

As set out in her statement, the First Minister indicated that advice would be sought from the Independent Advisers on the terms of the remit. At the same time, she also noted that advice would be sought on how to ensure that there would be no risk of prejudice to the ongoing police investigation. We are still in the process of seeking advice on that latter point from the appropriate authorities.

Subject to the receipt of that advice, I am passing to you the current draft remit for your consideration at this time. We may, of course, need to adjust the remit to reflect the advice noted above, as well as taking into account your own views.

As I think you will also be aware, Dame Elish Angiolini has recused herself from involvement in this referral as she is already undertaking a policy review on behalf of Scottish Ministers.

Please let me know if it would be helpful to discuss the draft remit, or any other aspect of the referral.

Yours Sincerely

James Hynd

Ministerial Code: Remit for Independent Adviser

Background

It has been alleged that the First Minister breached the Scottish Ministerial Code in that she failed to feed back the basic facts of meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code. The meetings and discussions in question took place on:

- 2 April 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 23 April 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.
- 7 June 2018 - Meeting between Ms Sturgeon and Mr Salmond at SNP Conference, Aberdeen.
- 14 July 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 18 July 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.

It has been further suggested that, in light of those meetings, the First Minister may have attempted to influence the conduct of the investigation then being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure for Handling of Harassment Complaints involving Current or Former Ministers ("the Procedure").

Scottish Ministerial Code

The key relevant extracts from the Code are:

1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the First Minister's confidence.

1.7. Where he or she deems it appropriate, the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him or her with advice on which to base his or her judgement about any action required in respect of Ministerial conduct. The findings of the independent advisers will be published.

Contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists

4.22 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Private Offices. A private secretary or official

should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears.

4.23 If Ministers meet external organisations or individuals and find themselves discussing official business without an official present – for example at a party conference, social occasion or on holiday – any significant content (such as substantive issues relating to Government decisions or contracts) should be passed back to their Private Offices as soon as possible after the event, who should arrange for the basic facts of such meetings to be recorded in accordance with paragraph 4.22 above.

The First Minister has, accordingly, referred the matter for consideration by one or both Independent Advisers for advice on which to base her judgement about any action required in accordance with the Code.

Remit

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Timing

The Independent Adviser is invited to commence the investigation and submit a report as soon as possible.

Publication

The terms of this remit and appointment letter will be published.

The final report will be published. If required in order to avoid any risk of impacting on, or prejudicing, the police investigations or any criminal proceedings, a report may be published with any redactions thought necessary by the Independent Advisers. If redactions are required for legal reasons, a full, un-redacted version of the report will be published following the conclusion of any criminal proceedings, including any appeal, reflecting any legal reporting restrictions that are applied.

Payment

Appointment as an Independent Adviser does not attract payment. Reasonable travel and subsistence costs will be paid in line with normal Civil Service rules.

Secretariat

The Scottish Government will provide secretariat support as required.

Scottish Government
January 2019

From: [REDACTED]
Sent: 12 March 2021 14:55
To: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>
Subject: Personal- interview transcript- for comment
Sensitivity: Personal

Hi Liz,

With apologies for the delay, please see attached transcript of the discussion you had with Mr Hamilton. Happy to discuss.

Best wishes,

[REDACTED]

Interview with Liz Lloyd: 3/2/2021

Attendees

James Hamilton, Independent Advisor under the Ministerial Code
Liz Lloyd, Chief of Staff to the First Minister

[REDACTED]

Meeting transcript

JH: Hello. Before we start I have to read you out some material about taping and so on, which now I'm trying to find it. I had it ... ah, yes. Okay, well, you know the circumstances of what I'm doing.

LL: Yes.

JH: .. and [REDACTED], is going to be present during the meeting to take notes and to provide practical and technical support if required, which may well be required. I've just been 15 minutes trying to connect into this thing.

The meeting is going to be recorded, so there'll be a transcript produced from it, which [REDACTED] will work on, which will be shared with you as a record of the discussion, and once that's agreed the recording itself will be destroyed, so I just want to know if you're ok with that.

LL: Yes, I'm fine with that.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

LL: So, almost immediately after “me too” kind of exploded, if you like, off the back of the Weinstein stuff, there was a story couple of days, maybe a week later in Scotland in one of the newspapers about behaviour in the Scottish Parliament, alleging that

two or three MSPs were known to be, you know, harassing people. And from that point on, it was just the subject of all gossip in the Parliament, [REDACTED]

JH: So this wasn't an isolated discussion?

LL: No. And it wasn't always the same journalist, so there were, I would say there were three or four who would keep coming back to it. [REDACTED]

JH: Did you mention this to the First Minister at all?

LL: She was aware that we were being asked the questions. At the time when these questions first came up was also when, I think you will be aware from submissions, there was an allegation put to us about his behaviour at Edinburgh Airport by Sky News. So..

JH: She's mentioned that and, but she mentioned that as the only incident I think, and she seemed to have been rather taken aback when you had the meeting on the [REDACTED] 2nd of April, and Alex Salmond told her what the allegations were.

LL: Yeah, no, I was quite taken aback by it as well. In relation to [REDACTED] there was never, with the exception of the Sky incident, nobody ever came with a specific, a time, a place, a person. It was just a general sense.

JH: Yeah, okay.

LL: [REDACTED] So you know Sky was, Edinburgh Airport was the only specific that was ever raised with us prior to [REDACTED] what the Former First Minister and Mr Aberdeen then told us on the 2nd of April.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

JH: And I don't think there's that, I mean I don't have any particular question about what happened about that, there seems to be broad agreement between everyone as to what transpired. That's the main, that's more or less what I wanted to ask you about. [REDACTED] is there anything else that I mentioned to you earlier, something?

RW: I don't think so. [REDACTED] talked about discussions with FM, I think that has covered most things.

JH: Yeah, but I think that's all covered and it is fairly well agreed what the context was and so forth, so I don't think I need to go in to that. [REDACTED]

[REDACTED]

[REDACTED]

JH: Great. Okay, I think that's about it really, I don't think there's anything else...

LL: Okay.

JH: ... that I need to ask you, I can come back if something else.

LL: Yeah, please do, if there's anything else I'm happy to in person or in writing try and help.

JH: Sure, okay, thanks very much Ms Lloyd. Thank you. .

LL: Alright, that's great, thank you very much.

JH: Okay, bye.

Ministerial Code Investigation

From: [REDACTED]@gov.scot>
To: Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>
Cc: Henderson G (Gavin) <gavin.henderson@gov.scot>
Date: Fri, 12 Mar 2021 16:44:22 +0000

Dear David,

Ahead of the publication of the Ministerial Code report, Mr Hamilton would like to request that the resources assigned to the Secretariat are increased to help facilitate the early publication of the report. The intention would be to ensure that the process of publication can proceed as smoothly as possible.

Would this be something the Scottish Government would be able to facilitate? I would be happy to have a discussion about the details of the request, and the timeframes involved.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype [REDACTED]

Re: USUAL CHECK

From: [REDACTED]
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Fri, 12 Mar 2021 17:47:20 +0000

Thanks for your time [REDACTED]
[REDACTED]

On Fri, 12 Mar 2021 at 17:14, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

Apologies for the delay, I had been checking with Mr Hamilton whether we can provide any more specific timings. I think at the moment the most we can say is as soon as possible.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 March 2021 16:43
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Fwd: USUAL CHECK

Hi [REDACTED]

Sorry for asking again.

I wondered if there was anything further you could say regarding the timings below?

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Thu, 11 Mar 2021 at 12:46
Subject: USUAL CHECK
To: <[REDACTED]@gov.scot>

Good afternoon,

Just my usual check.

Is there any further information regarding when Mr. Hamilton's will hand over his report to the Scottish government?

Can I also check that this will happen before the 25th March when the parliament rises for the election.

Best regards,

[REDACTED]

Sunday Times

[REDACTED]

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Letter from John Swinney MSP

From: Deputy First Minister and Cabinet Secretary for Education and Skills
<dfmcse@gov.scot>
To: [REDACTED]@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>, Deputy First Minister and Cabinet Secretary for Education and Skills
<dfmcse@gov.scot>
Date: Wed, 13 Jan 2021 09:50:16 +0000
Attachments: Response to J Hamilton.pdf (148.31 kB)

Dear [REDACTED],

~

Please find attached a letter for the attention of Mr Hamilton.

~

Kind regards

~

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: [REDACTED] | Email: DFMCSE@gov.scot

~

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~

~

~

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: [REDACTED]
E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

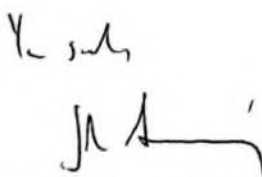
Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.


JOHN SWINNEY

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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Until 2020



RE: Letter from John Swinney MSP

From: [REDACTED] <[REDACTED]@gov.scot>
To: Deputy First Minister and Cabinet Secretary for Education and Skills
 <dfmcse@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>
Date: Wed, 13 Jan 2021 18:48:00 +0000
Attachments: James Hamilton- letter to MSPs- 13 Jan 2021.docx (16.09 kB)

Dear [REDACTED],

~

Many thanks, I have passed this to Mr Hamilton.

~

Mr Hamilton has today responded to the letter he received from Alex Cole-Hamilton and various other MSPs, and has asked that a copy of his response be passed to DFM (and also FM if that would be appropriate) for their awareness.

~

This letter is attached.

~

Best wishes,

~

[REDACTED]

~

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 09:50
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: Letter from John Swinney MSP

~

Dear [REDACTED],

~

Please find attached a letter for the attention of Mr Hamilton.

~

Kind regards

~

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: [REDACTED] | Email: DFMCSE@gov.scot

~

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~

~

~

□

James Hamilton
Independent Adviser on the Scottish Ministerial Code

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP
By email to: Alex.Cole-Hamilton.msp@parliament.scot
Jackie.Baillie.msp@parliament.scot
Murdo.Fraser.msp@parliament.scot
Margaret.Mitchell.msp@parliament.scot

13 January 2021

Dear Alex Cole-Hamilton, Margaret Mitchell, Jackie Baillie and Murdo Fraser,

Thank you for your letter of 10 January 2021, in which you ask whether I will expand the remit of the Ministerial code investigation to include consideration of whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein.

As you know, the remit for my investigation was set out in response to PQ S5W-31054, answered by the Deputy First Minister in August 2020. The Deputy First Minister and First Minister have both subsequently confirmed to Parliament that in delivering this remit, I am free to consider evidence on any aspect of the Ministerial Code as I consider necessary and appropriate.

In the light of this, and considering the written statements and other information provided to me in recent months, I have concluded that the matter of reporting of the relevant meetings to the Parliament is within the scope of the remit, and I will cover it in my report.

I hope this information is helpful.

Yours sincerely,

James Hamilton

From: [REDACTED]
Sent: 13 January 2021 18:48
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: Letter from John Swinney MSP

Dear [REDACTED]

Many thanks, I have passed this to Mr Hamilton.

Mr Hamilton has today responded to the letter he received from Alex Cole-Hamilton and various other MSPs, and has asked that a copy of his response be passed to DFM (and also FM if that would be appropriate) for their awareness.

This letter is attached.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 09:50
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: Letter from John Swinney MSP

Dear [REDACTED]

Please find attached a letter for the attention of Mr Hamilton.

Kind regards

[REDACTED]

██████████ | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: ██████████
██████████ | Mob: ██████████ | Email: DFMCSE@gov.scot

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP
By email to: Alex.Cole-Hamilton.msp@parliament.scot
Jackie.Baillie.msp@parliament.scot
Murdo.Fraser.msp@parliament.scot
Margaret.Mitchell.msp@parliament.scot

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I hope this information is helpful.

Yours sincerely,

James Hamilton

RE: Draft correspondence- for comment

From: [REDACTED] <[REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Wed, 13 Jan 2021 11:56:39 +0000
Attachments: James Hamilton- letter to MSPs- 13 Jan 2021.docx (16.09 kB)

As discussed, I've adjusted slightly. I haven't added anything on what to do with similar issues as the original letter was quite tightly focussed.

Once you are content I will issue the letter.

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 13 January 2021 11:00
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Draft correspondence- for comment

OK, we can discuss by phone.

James

On Wed, 13 Jan 2021 at 10:55, <[REDACTED]@gov.scot> wrote:

Hi James,

Please see attached first draft of a response to the MSPs. I have included a line that indicates you consider the reporting issues within remit- I wondered about this as it is a bit of a simplification of the position, happy to discuss.

Best wishes,

[REDACTED]

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP
By email to: Alex.Cole-Hamilton.msp@parliament.scot
Jackie.Baillie.msp@parliament.scot
Murdo.Fraser.msp@parliament.scot
Margaret.Mitchell.msp@parliament.scot

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I hope this information is helpful.

Yours sincerely,

James Hamilton

Re: Mark McDonald- chronology of events

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Wed, 13 Jan 2021 13:00:04 +0000

Thanks for this.
J

On Wed, 13 Jan 2021 at 12:59, <[REDACTED]@gov.scot> wrote:

Hi James,

As discussed on the call, in late 2017 allegations about the behaviour of Mark McDonald, then Minister for Children and Young people emerged. I have copied his Wikipedia entry for reference which gives a very short introduction to the events. Happy to provide additional information.

[Mark McDonald \(politician\) - Wikipedia](#)

I've also copied an article that discusses some of the perceived links between Mr McDonald and the development of the SG procedure.

['Caught out yet again': SNP facing questions over Mark McDonald complaint | Press and Journal](#)

Best wishes,

[REDACTED]

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From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 13 January 2021 19:50
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

I am just following up on our previous correspondence. I think you are aware from colleagues in the OCT about some of the sensitivities relating to sharing documents.

My email of 12 October 2020 referred to 2 documents.

I am not able to provide you with a copy of the Permanent Secretary's note to the First Minister on 22 August 2018 informing her of the outcome of the investigation because this is legally privileged.

However, the email exchange between the Permanent Secretary and First Minister's private offices on 20 August has been shared with the Committee on the Scottish Government's handling of harassment complaints. It is INV 675 in FN42 of the initial Scottish Government statement on the investigation of the complaints shared with the Committee on 30 November 2020 – see link below:

[https://www.parliament.scot/HarassmentComplaintsCommittee/General%20documents/SP_SGHHC - FN42.pdf](https://www.parliament.scot/HarassmentComplaintsCommittee/General%20documents/SP_SGHHC_-_FN42.pdf)

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
andrew.bruce@gov.scot

From: Bruce A (Andrew)
Sent: 16 November 2020 18:32
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

I haven't yet know. They are still with the OCT to confirm what can be released in line with the various legal obligations.
I'll chase again now.
Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government


andrew.bruce@gov.scot

From:   @gov.scot>
Sent: 16 November 2020 12:44
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

Hi Andy,

Apologies for chasing this up, I just wanted to check if you had sent these documents through?

Best wishes,



From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 12 October 2020 14:03
To:  < @gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code



Just a quick addition to the response I sent on behalf of the Permanent Secretary last week.

Paragraph 3 of the Permanent Secretary's letter refers to informing the First Minister of the outcome of the investigation of complaints against Mr Salmond at a meeting on 22 August 2018. However, the Permanent Secretary also sent the First Minister a written note on 22 August providing this information. I am just having that note prepared to be sent on to you, which I will do as soon as possible.

In addition, there was also some correspondence between the Permanent Secretary's private office and the First Minister's private office on 20 August 2018 setting out the likely timescales for the conclusion of the investigation. This followed

the Permanent Secretary's letter to the First Minister on 17 August 2018. Again I will send this on to you with the document referenced above.

Apologies for this – it was an oversight on my part.

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

andrew.bruce@gov.scot

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 07 October 2020 19:31
To: [REDACTED] [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

With apologies for the delay, please find attached the Permanent Secretary's response to Mr Hamilton's letter of 8 September.

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

andrew.bruce@gov.scot

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 06 October 2020 17:42
To: [REDACTED] [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

The Permanent Secretary is just finalising her response to Mr Hamilton. However, I'm afraid she will not be in a position to send this today, but will send it by close of play tomorrow.

I hope this is OK and please do pass on her apologies to Mr Hamilton.

Best wishes

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
andrew.bruce@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Permanent Secretary
Sent: 15 September 2020 11:41
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

Hello [REDACTED]

I would like to confirm receipt of James Hamilton's letter to the Permanent Secretary, which I note was copied to yourself. The Permanent Secretary will ensure she responds by the deadline set, 6th of October.

Best wishes,

[REDACTED]
Private Secretary to the Permanent Secretary | [REDACTED]

[REDACTED] | [REDACTED]
Scottish Ministers, Special Advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot



I'm dyslexic.
Thank you for
your consideration.
Celebrate neurodiversity!



From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 09:50

To: [REDACTED]@gov.scot>

Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Subject: Letter from John Swinney MSP

Dear [REDACTED]

Please find attached a letter for the attention of Mr Hamilton.

Kind regards

[REDACTED] Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot
|Tel: [REDACTED] | Mob: [REDACTED] | Email: DFMCSE@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

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F/T: [REDACTED]
E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.

JOHN SWINNEY



Letter from the Deputy First Minister

From: Deputy First Minister and Cabinet Secretary for Education and Skills
<dfmcse@gov.scot>
To: First Minister <firstminister@gov.scot>
Cc: Permanent Secretary <permanentsecretary@gov.scot>, DG Organisational
Development & Operations <dgodo@gov.scot>, Rogers D (David) (Constitution and
Cabinet Director) <david.rogers@gov.scot>, Rennick NS (Neil)
<neil.rennick@gov.scot>
Date: Wed, 13 Jan 2021 10:04:34 +0000
Attachments: Ministerial Code Referral -DFM to FM 13 Jan 2021.docx (14.98 kB); Response to J
Hamilton.pdf (148.31 kB); Letter to DFM- 11 January 2021.docx (19.1 kB)

FMPO,

~

Please find attached a note from the Deputy First Minister.

~

Kind regards

~

~
[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and
Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel:
[REDACTED] | Email: DFMCSE@gov.scot

~

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to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed
appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.*

~

*Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying
(Scotland) Act 2016. See www.lobbying.scot*

~

~

~

First Minister

Copy to: Permanent Secretary
Lesley Fraser
David Rogers
Neil Rennick

SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

1. You have delegated to me responsibility for taking forward your self-referral under the Ministerial Code.
2. This note is to advise you of the attached correspondence with the adviser, James Hamilton, about matters that he intends to cover in his report.

JS
13 January 2021

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: [REDACTED]
E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

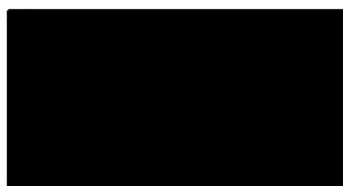
Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.



JOHN SWINNEY

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



James Hamilton
Independent Adviser on the Scottish Ministerial Code

□

John Swinney MSP
Deputy First Minister
By email to: dfmcse@gov.scot

11 January 2021

Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*
- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*

5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:

- i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
- ii. whether there has been any breach of the Code and the nature of any such breach; and*
- iii. if a breach has occurred, advice on the appropriate remedy or sanction.*

6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr. Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:43

To: [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@transport.gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Cc: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Subject: RE: FMQ commissioning email - Harassment - updated

[REDACTED] – I will call you. David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED]@gov.scot>

Sent: 13 January 2021 09:43

To: [REDACTED]@transport.gov.scot>; Rennick NS (Neil)
<Neil.Rennick@gov.scot>; Rogers D (David) (Constitution and Cabinet Director)
<David.Rogers@gov.scot>; [REDACTED]@gov.scot>

Cc: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Subject: RE: FMQ commissioning email - Harassment - updated

Hi [REDACTED]

I think David had drafted something on this- David, had I understood that correctly?

Best wishes,

[REDACTED]

From: [REDACTED]@transport.gov.scot>

Sent: 13 January 2021 09:22

To: Rennick NS (Neil) <Neil.Rennick@gov.scot>; Rogers D (David) (Constitution and Cabinet Director)
<David.Rogers@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Cc: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Subject: RE: FMQ commissioning email - Harassment - updated

[REDACTED] David

I am currently issuing a final update to fmq to reflect published correspondence btw Committee and Mr Salmond's lawyers re his appearance at committee. FMQs are at 12.30 today so not sure if fmq team are in position to take any further updates at this very late stage for today but please flag if upcoming updates required regarding the Hamilton inquiry. I understand you are writing to DFM this morning on this.

Regards

[REDACTED]

From: Rennick NS (Neil) <Neil.Rennick@gov.scot>

Sent: 12 January 2021 17:19

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [REDACTED]
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@transport.gov.scot](mailto:[REDACTED]@transport.gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Cc: Henderson G (Gavin) <Gavin.Henderson@gov.scot>

Subject: FW: FMQ commissioning email - Harassment - updated

Importance: High

David / [REDACTED]

This is the up-to-date version of the FMQ brief.

[REDACTED] and [REDACTED] are the leads on the FMQ brief and happy to take any necessary additions with reference to the exchanges with Mr Hamilton.

Neil
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@transport.gov.scot](mailto:[REDACTED]@transport.gov.scot)>

Sent: 12 January 2021 16:15

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; First Minister FMQs <FirstMinisterFMQs@gov.scot>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin)
<Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: FMQ commissioning email - Harassment - updated

Importance: High

Please find attached an updated version of the harassment FMQ following today's Committee session taking evidence from Perm Sec.

Regards
[REDACTED]

From: [REDACTED]

Sent: 11 January 2021 14:21

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; First Minister FMQs <FirstMinisterFMQs@gov.scot>;
Chrystal C (Cherie) <Cherie.Chrystal@gov.scot>

Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil)
<Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;
[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>;

[REDACTED]@gov.scot> [REDACTED]>

Subject: RE: FMQ commissioning email - Harassment - updated

Importance: High

FMQ team

Please find attached updated Harassment FMQ.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Also as I previously highlighted Perm Sec is due to appear at the Committee tomorrow and I have flagged that we will need to revisit FMQ following this session. I note that David requested 2.30pm deadline tomorrow for any further updates further to Perm Sec's appearance. To note whilst we don't have a finish time for the session tomorrow given previous experience this is likely to run in to the early afternoon so this would leave limited opportunity for substantive updates (as well any opportunity to capture and consider any press coverage/ lines arising from the session). We will revert to FMQ team tomorrow following the session with a status update and explore handling around this.

Regards

[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 22 December 2020 11:17

To: [REDACTED]@transport.gov.scot>; First Minister FMQs

<FirstMinisterFMQs@gov.scot>; [REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil)

<Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Subject: RE: FMQ commissioning email - Harassment - updated

Thanks for this [REDACTED] I've made a couple of further minor tweaks to reduce the length slightly and will go with this version for the folder today.

[REDACTED]

From: [REDACTED]@transport.gov.scot>
Sent: 21 December 2020 17:07
To: [REDACTED]@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>;
[REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil)
<Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]nagh@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Subject: RE: FMQ commissioning email - Harassment - updated

Importance: High

Updated version of harassment FMQ attached as discussed.

Regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 21 December 2020 15:47
To: [REDACTED]@transport.gov.scot>; First Minister FMQs
<FirstMinisterFMQs@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]-clark@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil)
<Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Subject: RE: FMQ commissioning email - Harassment

Hi [REDACTED]

Thanks for this. I've made some very minor tweaks as attached. Can you use this version for any updates please?

Thank you,

[REDACTED]

From: [REDACTED] <[REDACTED]@transport.gov.scot>

Sent: 21 December 2020 10:57

To: First Minister FMQs <FirstMinisterFMQs@gov.scot>; [REDACTED]

[REDACTED] <[REDACTED]@gov.scot>

Cc: [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED]

[REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>;

[REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>

Subject: RE: FMQ commissioning email - Harassment

Importance: High

[REDACTED]

Please find attached updated harassment FMQ.

Regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 13 January 2021 18:48
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: Letter from John Swinney MSP

Dear [REDACTED]

Many thanks, I have passed this to Mr Hamilton.

Mr Hamilton has today responded to the letter he received from Alex Cole-Hamilton and various other MSPs, and has asked that a copy of his response be passed to DFM (and also FM if that would be appropriate) for their awareness.

This letter is attached.

Best wishes,

[REDACTED]
From: [REDACTED]) [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 09:50
To: [REDACTED]@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: Letter from John Swinney MSP

Dear [REDACTED]

Please find attached a letter for the attention of Mr Hamilton.

Kind regards

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government |
Web: www.gov.scot [REDACTED] | Email: DFMCSE@gov.scot

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

James Hamilton
Independent Adviser on the Scottish Ministerial Code

□

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP
By email to: Alex.Cole-Hamilton.msp@parliament.scot
Jackie.Baillie.msp@parliament.scot
Murdo.Fraser.msp@parliament.scot
Margaret.Mitchell.msp@parliament.scot

13 January 2021

Dear Alex Cole-Hamilton, Margaret Mitchell, Jackie Baillie and Murdo Fraser,
Thank you for your letter of 10 January 2021, in which you ask whether I will expand the remit of the Ministerial code investigation to include consideration of whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdeen.

As you know, the remit for my investigation was set out in response to PQ S5W-31054, answered by the Deputy First Minister in August 2020. The Deputy First Minister and First Minister have both subsequently confirmed to Parliament that in delivering this remit, I am free to consider evidence on any aspect of the Ministerial Code as I consider necessary and appropriate.

In the light of this, and considering the written statements and other information provided to me in recent months, I have concluded that the matter of reporting of the relevant meetings to the Parliament is within the scope of the remit, and I will cover it in my report.

I hope this information is helpful.

Yours sincerely,

James Hamilton

RE: Line to Clear - James Hamilton correspondence

From: Deputy First Minister and Cabinet Secretary for Education and Skills <dfmcse@gov.scot>
To: [REDACTED]@gov.scot, Deputy First Minister and Cabinet Secretary for Education and Skills <dfmcse@gov.scot>
Cc: Fraser L (Lesley) <lesley.fraser@gov.scot>, [REDACTED]@gov.scot, Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>, Rennick NS (Neil) <neil.rennick@gov.scot>, French C (Craig) <craig.french@gov.scot>, [REDACTED]@gov.scot, McAllister C (Colin) <colin.mcallister@gov.scot>, [REDACTED]@gov.scot, [REDACTED]@gov.scot, [REDACTED]@gov.scot, Nicolson S (Stuart) Special Adviser <stuart.nicolson@gov.scot>, [REDACTED]@gov.scot
Date: Wed, 13 Jan 2021 18:46:55 +0000

[REDACTED]

~

As discussed, DFM is content with the lines.

~

Thanks

~

[REDACTED]

~

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

~

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~

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

~

From: [REDACTED]@gov.scot
Sent: 13 January 2021 18:20
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]@gov.scot; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; French C (Craig) <Craig.French@gov.scot>; [REDACTED]@gov.scot; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot; Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>; [REDACTED]@gov.scot
Subject: Line to Clear - James Hamilton correspondence

~

PO/Deputy First Minister

~

Various media outlets have asked to see a copy of James Hamilton's letter to DFM that FM referred to at FMQs and I understand this is currently under consideration.

~

Is DFM content for this media line, agreed with spads and policy, to issue alongside the letter if we are in a position to release it tonight?

~

A Scottish Government Spokesperson said:

~

"Mr Hamilton has informed us of his intention to address in his report a number of points that have been raised with him by some MSPs and by the former First Minister. That is entirely within his existing remit. As the Deputy First Minister advised Parliament last year, in response to a parliamentary question, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant."

~

Thank you

~

[REDACTED]

~

[REDACTED] - [REDACTED]

SG Communications

RE: Line to Clear - James Hamilton correspondence

From: [REDACTED]@gov.scot>
To: Deputy First Minister and Cabinet Secretary for Education and Skills <dfmcse@gov.scot>
Cc: Fraser L (Lesley) <lesley.fraser@gov.scot> [REDACTED]@gov.scot>, Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>, Rennick NS (Neil) <neil.rennick@gov.scot>, French C (Craig) <craig.french@gov.scot>, [REDACTED]@gov.scot>, McAllister C (Colin) <colin.mcallister@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, Nicolson S (Stuart) Special Adviser <stuart.nicolson@gov.scot>, [REDACTED]@gov.scot>
Date: Wed, 13 Jan 2021 19:29:17 +0000

Thanks [REDACTED]

~

We'll issue a copy of James Hamilton's letter to DFM to media with these lines now, as discussed.

~

[REDACTED]

~

[REDACTED] - [REDACTED]

~

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 18:47
To: [REDACTED]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Fraser L (Lesley) <Lesley.Fraser@gov.scot> [REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; French C (Craig) <Craig.French@gov.scot>; [REDACTED]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Line to Clear - James Hamilton correspondence

~

[REDACTED]

~

As discussed, DFM is content with the lines.

~

Thanks

~

[REDACTED]

~

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

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From: [REDACTED] [REDACTED]@gov.scot>

Sent: 13 January 2021 18:20

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]@gov.scot>;

Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Rennick NS

(Neil) <Neil.Rennick@gov.scot>; French C (Craig) <Craig.French@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>;

Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>; [REDACTED]

<[REDACTED]@gov.scot>

Subject: Line to Clear - James Hamilton correspondence

~

PO/Deputy First Minister

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Various media outlets have asked to see a copy of James Hamilton's letter to DFM that FM referred to at FMQs and I understand this is currently under consideration.

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~

Thank you

~

[REDACTED]

~

[REDACTED] - [REDACTED]

SG Communications

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 15:04
To: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Rowlands K (Kirsteen) <Kirsteen.Rowlands@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton

Neil – thank you for your comments on the material I sent earlier. The DFM replied to Mr Hamilton this morning in the terms drafted and notified the FM as proposed. The matter came up briefly at FMQs as colleagues will have heard.

I expect that Mr Hamilton will want to reply quickly – possibly today - to the MSPs who have written to him, and that he will copy that to the DFM.

I expect also that DFM will want to reply to their letter to him (attached again for ease of reference).

I attach a draft for that purpose which – subject to anything arising from Mr Hamilton's response to the MSPs – I propose to send to the DFM. I would be grateful for urgent comments from you as discussed. (Comments from cc recipients of course welcome too.)

Kirsteen – I will email a proposed line to hold against media enquiries soon.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 09:19
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; McAllister C

(Colin) <Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, Felicity Cullen, Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE HAMILTON AND OTHERS

Mr Hamilton has written (as attached) to inform you about two matters that he intends to cover in his report:

- reporting of meetings by the First Minister to the Parliament, and in particular whether she broke Section 1(c) of the Ministerial Code in relation to a meeting with Geoff Aberdein; and
- allegations made by Mr Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation.

His letter offers you the opportunity to make any observations before he replies to a group of MSPs including Alex Cole-Hamilton who have written to him asking whether he considers his remit to include the first matter.

Separately Mr Cole-Hamilton and (we assume) the same group of MSPs has written (also as attached) asking you to “widen” Mr Hamilton’s remit to include the first matters.

Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

Informing the First Minister

If you are content to write to Mr Hamilton in these terms, we suggest that you inform the First Minister of the correspondence given the on-going political debate about the scope of Mr Hamilton's remit. I attach a draft minute from you to the First Minister to issue once you have replied to Mr Hamilton.

Briefing for FMQs

The following could then be included in FMQ briefing for today.

My self-referral under the Ministerial Code is under way

- The remit of Mr Hamilton's work is well established.
- As the Deputy First Minister and I both advised Parliament last year, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.
- I am recused from this process, but the DFM has made me aware that Mr Hamilton himself has confirmed that his existing remit covers my reporting of meetings to the parliament and the allegations made by the former First Minister about mediation. There is therefore no question here. It is my expectation that he will consider those matters.

We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [REDACTED] [\[REDACTED\]@gov.scotDavid.Rogers@gov.scot](mailto:[REDACTED]@gov.scot)>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 12 January 2021 12:46
To: [REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and Rodger,

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot [REDACTED]
[REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED]@gov.scot>

Sent: 12 January 2021 10:30

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

Deputy First Minister and Cabinet Secretary for
Education and Skills

John Swinney MSP



vernment

Scottish Go
Riaghaltas na h-Alba
gov.scot

Alex Cole-Hamilton MSP

Margaret Mitchell MSP

Jackie Baillie MSP

Murdo Fraser MSP

13 January 2021

Dear Members

Thank you for your letter of 10 January about the First Minister's self-referral under the Ministerial Code.

I was somewhat surprised by the terms of your letter which appear not to take account of what both the First Minister and I have said to Parliament about the scope for Mr Hamilton to report on any aspect of the Ministerial Code as he considers necessary.

At First Minister's Questions on 29 October the First Minister said:

'My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.'

I confirmed this position on 6 November in an answer to PQ S5W-32472 from Alex Cole-Hamilton as follows:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

We could not therefore have been any clearer that Mr Hamilton has the maximum freedom to consider any aspect of the Ministerial Code that he believes is relevant.

Indeed, Mr Hamilton has written to me to confirm that he considers his existing remit covers the matter that you raise – the First Minister's reporting of meetings to the Parliament – and he has copied me his letter to you today that makes the same point.

It is clear, therefore, that the concerns set out in your letter are entirely groundless and misplaced.

JOHN SWINNEY

James Hamilton
Independent Adviser on the Scottish Ministerial Code

John Swinney MSP
Deputy First Minister
By email to: dfmcse@gov.scot

11 January 2021

Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*

- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*
- 5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:*
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
 - ii. whether there has been any breach of the Code and the nature of any such breach; and*
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.*
- 6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.*

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr. Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton

From: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Sent: 13 January 2021 15:09
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton

David

Thank you. Happy with the proposed reply from OCT perspective.

Neil
[REDACTED]

From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Sent: 13 January 2021 15:04
To: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton

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I expect that Mr Hamilton will want to reply quickly – possibly today - to the MSPs who have written to him, and that he will copy that to the DFM.

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I attach a draft for that purpose which – subject to anything arising from Mr Hamilton's response to the MSPs – I propose to send to the DFM. I would be grateful for urgent comments from you as discussed. (Comments from cc recipients of course welcome too.)

[REDACTED] – I will email a proposed line to hold against media enquiries soon.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 09:19
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED] Colin McAllister

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Separately Mr Cole-Hamilton and (we assume) the same group of MSPs has written (also as attached) asking you to “widen” Mr Hamilton’s remit to include the first matters.

Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

Informing the First Minister

If you are content to write to Mr Hamilton in these terms, we suggest that you inform the First Minister of the correspondence given the on-going political debate about the scope of Mr Hamilton’s remit. I attach a draft minute from you to the First Minister to issue once you have replied to Mr Hamilton.

Briefing for FMQs

The following could then be included in FMQ briefing for today.

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We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>;

[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet

Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:46

To: [REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet

Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>;

McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and Rodger,

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]
[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: [REDACTED] | Mob: [REDACTED] Email: DFMCSE@gov.scot

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From: [REDACTED]@gov.scot>
Sent: 12 January 2021 10:30
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 19:27
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

We spoke and you confirmed the letter was ready to issue. I attach a copy of that email for your records.

Many thanks for your help tonight.

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
[REDACTED] | E: DFMCSE@gov.scot

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From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 19:16
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

David

DFM is content with this version of the letter and said it can now issue. Helpful if you could confirm that the letter is good to go now and I will issue that to MSPs.

Thanks

[REDACTED]

[REDACTED] Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
[Tel: [REDACTED]] | E: DFMCSE@gov.scot

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 19:09

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Thanks David – I am just double checking DFM is okay with the contents of this one then can get that issued shortly too, will check in with you before doing so.

I attach a copy of the email I sent to committee for your records. I have also shared Mr Hamilton's letter with the First Minister as per DFM's instructions.

Many thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
[Tel: [REDACTED]] | E: DFMCSE@gov.scot

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From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 13 January 2021 19:07

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Rachel – here is the revised draft for step 3. I have made very minor adjustments to the second page.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 18:57

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

[REDACTED] – thank you.

The letter copied to us by Mr Hamilton has nothing new or inconsistent with his letter to DFM so yes please proceed with step 1.

I will send a slightly revised draft for step 3 in a little while.

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:50

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David

I have attached James Hamilton's letter here. I will get the letter to committee teed up right now, but for absolute clarity would be grateful if you could confirm that it should issue ASAP?

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
[Tel: [REDACTED]] | E: DFMCSE@gov.scot

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:45

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

As discussed, DFM is content with all of this and said the timing you set out should be followed and we should check the contents of Mr Hamilton's reply. He is also happy with the media lines.

I will await Mr Hamilton's letter and the go ahead from you before auctioning step 1.

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
[Tel: [REDACTED]] | E: DFMCSE@gov.scot

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From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 13 January 2021 18:24

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]

<[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE-HAMILTON AND OTHERS: NEXT STEPS

I am expecting Mr Hamilton to reply this evening to the group of MSPs that had written to him. He will send on a copy of that letter to us.

As discussed with [REDACTED], I propose the following next steps once we have received that letter:

1. DFM should send a copy of exchange of letters with Mr Hamilton to the convenor of the Harassment Committee, copied to SPICE for publication. I attach a draft and PDF copies of the correspondence to be attached. Mr Hamilton has confirmed to us that he has no objections to publication once he has written to the MSPs. (The letter should be emailed to Ms Fabiani c/o the committee clerk on SGHHC@parliament.scot and copied to SPICE on CollectionsTeam@parliament.scot FAO [REDACTED])
2. Copies of Mr Hamilton's letter to DFM can then be provided in response to media enquiries.
3. DFM may wish also to reply this evening to the group of MSPs in response to their letter of Monday (attached). I attach a draft reply, but I would like to double-check that against Mr Hamilton's letter to them once we see it.

We propose the following line to be used in response to media enquiries:

Mr Hamilton has informed us of his intention to address in his report a number of points that have been raised with him by some MSPs and by the former First Minister. That is entirely within his existing remit. As the Deputy First Minister advised Parliament last year, in response to a parliamentary question, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>;

Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]

[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED]
[REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE HAMILTON AND OTHERS

Mr Hamilton has written (as attached) to inform you about two matters that he intends to cover in his report:

- reporting of meetings by the First Minister to the Parliament, and in particular whether she broke Section 1(c) of the Ministerial Code in relation to a meeting with Geoff Aberdein; and
- allegations made by Mr Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation.

His letter offers you the opportunity to make any observations before he replies to a group of MSPs including Alex Cole-Hamilton who have written to him asking whether he considers his remit to include the first matter.

Separately Mr Cole-Hamilton and (we assume) the same group of MSPs has written (also as attached) asking you to "widen" Mr Hamilton's remit to include the first matters.

Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

Informing the First Minister

If you are content to write to Mr Hamilton in these terms, we suggest that you inform the First Minister of the correspondence given the on-going political debate about the scope of Mr Hamilton's remit. I attach a draft minute from you to the First Minister to issue once you have replied to Mr Hamilton.

Briefing for FMQs

The following could then be included in FMQ briefing for today.

My self-referral under the Ministerial Code is under way

- The remit of Mr Hamilton's work is well established.
- As the Deputy First Minister and I both advised Parliament last year, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.
- I am recused from this process, but the DFM has made me aware that Mr Hamilton himself has confirmed that his existing remit covers my reporting of meetings to the parliament and the allegations made by the former First Minister about mediation. There is therefore no question here. It is my expectation that he will consider those matters.

We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:46

To: [REDACTED] <[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and Rodger,

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot [REDACTED]

[REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED]@gov.scot>

Sent: 12 January 2021 10:30

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on
Skype or on [REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 19:26

To: Cole-Hamilton A (Alex), MSP <Alex.Cole-Hamilton.msp@parliament.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>; Mitchell M (Margaret), MSP <Margaret.Mitchell.msp@parliament.scot>; Fraser M (Murdo), MSP <Murdo.Fraser.msp@parliament.scot>

Subject: RE: Ministerial code investigation

Good evening

Please find attached a response from the Deputy First Minister.

Best wishes

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG
| Tel: [REDACTED] | E: DFMCSE@gov.scot

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From: Cole-Hamilton A (Alex), MSP

Sent: 10 January 2021 18:33

To: Deputy First Minister and Cabinet Secretary for Education and Skills ; Swinney J (John), MSP

Cc: Baillie J (Jackie), MSP ; Mitchell M (Margaret), MSP ; Fraser M (Murdo), MSP

Subject: Ministerial code investigation

Importance: High

Dear John

Please find attached a joint letter from myself, Jackie Baillie, Murdo Fraser and Margaret Mitchell, formally asking you to expand the remit of the current Ministerial Code investigation into the actions of Nicola Sturgeon MSP, undertaken by James Hamilton QC.

We look forward to your response.

Best wishes and keep well

Alex

And on behalf of Jackie, Murdo and Margaret.

Alex Cole-Hamilton

Member of the Scottish Parliament for Edinburgh Western Constituency

The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road | Edinburgh | EH12 7SD
alex.cole-hamilton.msp@parliament.scot

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F/T: 0300 244 4000
E: dfmcse@gov.scot

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP

By Email

13 January 2021

Dear Members

Thank you for your letter of 10 January about the First Minister's self-referral under the Ministerial Code.

I was somewhat surprised by the terms of your letter which do not appear to take account of what both the First Minister and I have said to Parliament about the scope for Mr Hamilton to report on any aspect of the Ministerial Code as he considers necessary.

At First Minister's Questions on 29 October the First Minister said:

My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.

I confirmed this position on 6 November in an answer to PQ S5W-32472 from Alex Cole- Hamilton as follows:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other



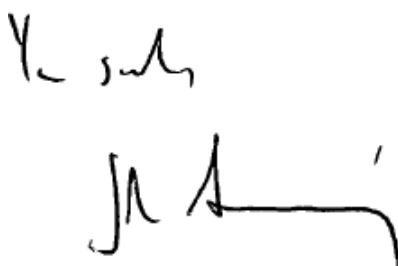
contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

We could not therefore have been any clearer that Mr Hamilton has the maximum freedom to consider any aspect of the Ministerial Code that he believes is relevant.

Indeed, Mr Hamilton has written to me to confirm that he considers his existing remit to cover the matter that you raise – the First Minister's reporting of meetings to the Parliament. He has also copied to me his letter to you this evening that makes the same point.

It is clear, therefore, that the concerns set out in your letter are entirely groundless and misplaced.

I have written to the Convener of the Committee on the Scottish Government Handling of Harassment Complaints with a copy of the letter I received from Mr Hamilton and my reply. I have also provided a copy of that correspondence to SPICE.

A handwritten signature in black ink, appearing to read 'John Swinney', with a stylized flourish at the end.

JOHN SWINNEY

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 19:16
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

David

DFM is content with this version of the letter and said it can now issue. Helpful if you could confirm that the letter is good to go now and I will issue that to MSPs.

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

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Sent: 13 January 2021 19:09
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Thanks David – I am just double checking DFM is okay with the contents of this one then can get that issued shortly too, will check in with you before doing so.

I attach a copy of the email I sent to committee for your records. I have also shared Mr Hamilton's letter with the First Minister as per DFM's instructions.

Many thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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Sent: 13 January 2021 19:07
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Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

[REDACTED] – here is the revised draft for step 3. I have made very minor adjustments to the second page.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 18:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Rachel – thank you.

The letter copied to us by Mr Hamilton has nothing new or inconsistent with his letter to DFM so yes please proceed with step 1.

I will send a slightly revised draft for step 3 in a little while.

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:50

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David

I have attached James Hamilton's letter here. I will get the letter to committee teed up right now, but for absolute clarity would be grateful if you could confirm that it should issue ASAP?

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:45

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS

(Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

As discussed, DFM is content with all of this and said the timing you set out should be followed and we should check the contents of Mr Hamilton's reply. He is also happy with the media lines.

I will await Mr Hamilton's letter and then go ahead from you before auctioning step 1.

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel [REDACTED] | E: DFMCSE@gov.scot

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From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 13 January 2021 18:24

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]

<[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin)

<Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS

(Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE-HAMILTON AND OTHERS: NEXT STEPS

I am expecting Mr Hamilton to reply this evening to the group of MSPs that had written to him. He will send on a copy of that letter to us.

As discussed with Craig, I propose the following next steps once we have received that letter:

1. DFM should send a copy of exchange of letters with Mr Hamilton to the convenor of the Harassment Committee, copied to SPICE for publication. I attach a draft and PDF copies of the correspondence to be attached. Mr Hamilton has confirmed to us that he has no objections to publication once he has written to the MSPs. (The letter should be emailed to Ms Fabiani c/o the committee clerk on SGHHC@parliament.scot and copied to SPICE on CollectionsTeam@parliament.scot FAO [REDACTED].)
2. Copies of Mr Hamilton's letter to DFM can then be provided in response to media enquiries.
3. DFM may wish also to reply this evening to the group of MSPs in response to their letter of Monday (attached). I attach a draft reply, but I would like to double-check that against Mr Hamilton's letter to them once we see it.

We propose the following line to be used in response to media enquiries:

Mr Hamilton has informed us of his intention to address in his report a number of points that have been raised with him by some MSPs and by the former First Minister. That is entirely within his existing remit. As the Deputy First Minister advised Parliament last year, in response to a parliamentary question, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin)

<Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE HAMILTON AND OTHERS

Mr Hamilton has written (as attached) to inform you about two matters that he intends to cover in his report:

- reporting of meetings by the First Minister to the Parliament, and in particular whether she broke Section 1(c) of the Ministerial Code in relation to a meeting with Geoff Aberdein; and
- allegations made by Mr Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation.

His letter offers you the opportunity to make any observations before he replies to a group of MSPs including Alex Cole-Hamilton who have written to him asking whether he considers his remit to include the first matter.

Separately Mr Cole-Hamilton and (we assume) the same group of MSPs has written (also as attached) asking you to “widen” Mr Hamilton’s remit to include the first matters.

Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

Informing the First Minister

If you are content to write to Mr Hamilton in these terms, we suggest that you inform the First Minister of the correspondence given the on-going political debate about the scope of Mr Hamilton’s remit. I attach a draft minute from you to the First Minister to issue once you have replied to Mr Hamilton.

Briefing for FMQs

The following could then be included in FMQ briefing for today.

My self-referral under the Ministerial Code is under way

- The remit of Mr Hamilton's work is well established.
- As the Deputy First Minister and I both advised Parliament last year, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.
- I am recused from this process, but the DFM has made me aware that Mr Hamilton himself has confirmed that his existing remit covers my reporting of meetings to the parliament and the allegations made by the former First Minister about mediation. There is therefore no question here. It is my expectation that he will consider those matters.

We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 12 January 2021 12:51
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>
Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 12 January 2021 12:46
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot); Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and [REDACTED]

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot
[REDACTED] | [REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 12 January 2021 10:30

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on
Skype or on [REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 19:09
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Thanks David – I am just double checking DFM is okay with the contents of this one then can get that issued shortly too, will check in with you before doing so.

I attach a copy of the email I sent to committee for your records. I have also shared Mr Hamilton's letter with the First Minister as per DFM's instructions.

Many thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG [REDACTED] | E: DFMCSE@gov.scot

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From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Sent: 13 January 2021 19:07
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil)

<Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

██████ – here is the revised draft for step 3. I have made very minor adjustments to the second page.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | ████████ | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 18:57

To: Deputy First Minister and Cabinet Secretary for Education and Skills

<DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>;

██████████ <██████████@gov.scot>; French C (Craig)

<Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;

██████████ <██████████@gov.scot>; Rennick NS (Neil)

<Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

██████ thank you.

The letter copied to us by Mr Hamilton has nothing new or inconsistent with his letter to DFM so yes please proceed with step 1.

I will send a slightly revised draft for step 3 in a little while.

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | ████████ | E: david.rogers@gov.scot

From: ██████████ <██████████@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:50

To: Deputy First Minister and Cabinet Secretary for Education and Skills

<DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director)

<David.Rogers@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>;

██████████ <██████████@gov.scot>; French C (Craig)

<Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;

██████████ <██████████@gov.scot>; Rennick NS (Neil)

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Thanks

[REDACTED]

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:45

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

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<David.Rogers@gov.scot>

Sent: 13 January 2021 18:24

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<DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>;

[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig)

<Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>;

[REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil)

<Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE-HAMILTON AND OTHERS: NEXT STEPS

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David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, Felicity Cullen, Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE HAMILTON AND OTHERS

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His letter offers you the opportunity to make any observations before he replies to a group of MSPs including Alex Cole-Hamilton who have written to him asking whether he considers his remit to include the first matter.

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Draft reply

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- The remit of Mr Hamilton's work is well established.
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We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: 07795 618421 | E: david.rogers@gov.scot

From: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>; [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS

(James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:46

To: [REDACTED] <[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and [REDACTED]

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot [REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 12 January 2021 10:30

To: Deputy First Minister and Cabinet Secretary for Education and Skills

<DFMCSE@gov.scot>

Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code
| Please contact me on Skype or on [REDACTED]

From: [REDACTED] [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 19:01
To: SGHHC@parliament.scot
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; CollectionsTeam@parliament.scot
Subject: Letter from the Deputy First Minister

Good evening

Please find attached a letter along with relevant attachments from the Deputy First Minister and Cabinet Secretary for Education and Skills.

This email is being copied to SPICE, FAO Kathryn Appleby.

Kind regards

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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John Swinney BPA/MSP
F/T: 0300 244 4000
E: dfmcse@gov.scot

Linda Fabiani MSP
Convener – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

13 January 2021

Dear Linda

I attach, for your committee's information, an exchange of letters that I have had with Mr James Hamilton, the Independent Adviser on the Scottish Ministerial Code.

Mr Hamilton's letter sets out his intention, under his existing remit, for the First Minister's self-referral under the Ministerial Code to address a number of points that have been raised with him by some Members of the Committee and also by the former First Minister. I have confirmed that his intention to address these matters is entirely consistent with the previous commitments that both the First Minister and I have made to Parliament.

I am copying this letter to SPICE.

JOHN SWINNEY

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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F/T: 0300 244 4000
E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

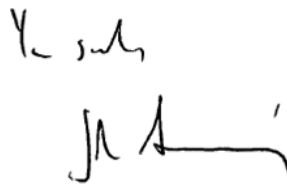
Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.



JOHN SWINNEY

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire
Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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James Hamilton
Independent Adviser on the Scottish Ministerial
Code

□

John Swinney MSP
Deputy First Minister
By email to: dfmcse@gov.scot

—

11 January 2021

Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*
- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*

5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:

- i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
- ii. whether there has been any breach of the Code and the nature of any such breach; and*
- iii. if a breach has occurred, advice on the appropriate remedy or sanction.*

6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr. Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 19:07
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

[REDACTED] – here is the revised draft for step 3. I have made very minor adjustments to the second page.

David

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)
Sent: 13 January 2021 18:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

[REDACTED] – thank you.

The letter copied to us by Mr Hamilton has nothing new or inconsistent with his letter to DFM so yes please proceed with step 1.

I will send a slightly revised draft for step 3 in a little while.

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 18:50
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rennick NS

(Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David

I have attached James Hamilton's letter here. I will get the letter to committee teed up right now, but for absolute clarity would be grateful if you could confirm that it should issue ASAP?

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:45

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]

<[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin)

<Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS

(Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

As discussed, DFM is content with all of this and said the timing you set out should be followed and we should check the contents of Mr Hamilton's reply. He is also happy with the media lines.

I will await Mr Hamilton's letter and then go ahead from you before auctioning step 1.

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Sent: 13 January 2021 18:24
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE-HAMILTON AND OTHERS: NEXT STEPS

I am expecting Mr Hamilton to reply this evening to the group of MSPs that had written to him. He will send on a copy of that letter to us.

As discussed with Craig, I propose the following next steps once we have received that letter:

1. DFM should send a copy of exchange of letters with Mr Hamilton to the convenor of the Harassment Committee, copied to SPICE for publication. I attach a draft and PDF copies of the correspondence to be attached. Mr Hamilton has confirmed to us that he has no objections to publication once he has written to the MSPs. (The letter should be emailed to Ms Fabiani c/o the committee clerk on SGHHC@parliament.scot and copied to SPICE on CollectionsTeam@parliament.scot FAO [REDACTED].)
2. Copies of Mr Hamilton's letter to DFM can then be provided in response to media enquiries.
3. DFM may wish also to reply this evening to the group of MSPs in response to their letter of Monday (attached). I attach a draft reply, but I would like to double-check that against Mr Hamilton's letter to them once we see it.

We propose the following line to be used in response to media enquiries:

Mr Hamilton has informed us of his intention to address in his report a number of points that have been raised with him by some MSPs and by the former First Minister. That is entirely within his existing remit. As the Deputy First Minister advised Parliament last year, in response to a parliamentary question, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin)

<Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], Colin McAllister

MINISTERIAL CODE REFERRAL: CORRESPONDENCE FROM JAMES HAMILTON AND FROM ALEX COLE HAMILTON AND OTHERS

Mr Hamilton has written (as attached) to inform you about two matters that he intends to cover in his report:

- reporting of meetings by the First Minister to the Parliament, and in particular whether she broke Section 1(c) of the Ministerial Code in relation to a meeting with Geoff Aberdein; and
- allegations made by Mr Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation.

His letter offers you the opportunity to make any observations before he replies to a group of MSPs including Alex Cole-Hamilton who have written to him asking whether he considers his remit to include the first matter.

Separately Mr Cole-Hamilton and (we assume) the same group of MSPs has written (also as attached) asking you to “widen” Mr Hamilton’s remit to include the first matters.

Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

Informing the First Minister

If you are content to write to Mr Hamilton in these terms, we suggest that you inform the First Minister of the correspondence given the on-going political debate about the scope of Mr Hamilton's remit. I attach a draft minute from you to the First Minister to issue once you have replied to Mr Hamilton.

Briefing for FMQs

The following could then be included in FMQ briefing for today.

My self-referral under the Ministerial Code is under way

- The remit of Mr Hamilton's work is well established.
- As the Deputy First Minister and I both advised Parliament last year, Mr Hamilton is free to consider evidence on any aspect of the Ministerial Code that he deems to be relevant.
- I am recused from this process, but the DFM has made me aware that Mr Hamilton himself has confirmed that his existing remit covers my reporting of meetings to the parliament and the allegations made by the former First Minister about mediation. There is therefore no question here. It is my expectation that he will consider those matters.

We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED] <[REDACTED]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:46

To: [REDACTED] <[REDACTED]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and [REDACTED]

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: [REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 12 January 2021 10:30

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]



F/T: 0300 244 4000
E: dfmcse@gov.scot

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP

By Email

13 January 2021

Dear Members

Thank you for your letter of 10 January about the First Minister's self-referral under the Ministerial Code.

I was somewhat surprised by the terms of your letter which do not appear to take account of what both the First Minister and I have said to Parliament about the scope for Mr Hamilton to report on any aspect of the Ministerial Code as he considers necessary.

At First Minister's Questions on 29 October the First Minister said:

My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.

I confirmed this position on 6 November in an answer to PQ S5W-32472 from Alex Cole-Hamilton as follows:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the

Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

We could not therefore have been any clearer that Mr Hamilton has the maximum freedom to consider any aspect of the Ministerial Code that he believes is relevant.

Indeed, Mr Hamilton has written to me to confirm that he considers his existing remit to cover the matter that you raise – the First Minister's reporting of meetings to the Parliament. He has also copied to me his letter to you this evening that makes the same point.

It is clear, therefore, that the concerns set out in your letter are entirely groundless and misplaced.

I have written to the Convener of the Committee on the Scottish Government Handling of Harassment Complaints with a copy of the letter I received from Mr Hamilton and my reply. I have also provided a copy of that correspondence to SPICE.

JOHN SWINNEY

Hi David

I have attached James Hamilton's letter here. I will get the letter to committee teed up right now, but for absolute clarity would be grateful if you could confirm that it should issue ASAP?

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 18:45

To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Rennick NS (Neil) <Neil.Rennick@gov.scot>

Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

As discussed, DFM is content with all of this and said the timing you set out should be followed and we should check the contents of Mr Hamilton's reply. He is also happy with the media lines.

I will await Mr Hamilton's letter and the go ahead from you before auctioning step 1.

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

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PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], Colin McAllister

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As discussed with Craig, I propose the following next steps once we have received that letter:

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David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 13 January 2021 09:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley)

<Lesley.Fraser@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; McAllister C (Colin)

<Colin.McAllister@gov.scot>

Subject: RE FAO DFM- correspondence from James Hamilton

Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], Colin McAllister

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Draft reply

I attach a draft reply to Mr Hamilton that, if you agree, could issue this morning.

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Briefing for FMQs

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We will provide a draft reply to Mr Cole-Hamilton and others separately.

David Rogers

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | [REDACTED] | E: david.rogers@gov.scot

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) > **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:51

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>;

[REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>

Cc: McAllister C (Colin) <Colin.McAllister@gov.scot>

Subject: RE: FAO DFM- correspondence from James Hamilton

Now with attachment

From: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) > **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 January 2021 12:46

To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>; Rogers D (David) (Constitution and Cabinet

Director) <David.Rogers@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>;
McAllister C (Colin) <Colin.McAllister@gov.scot>
Subject: RE: FAO DFM- correspondence from James Hamilton

Hi David and [REDACTED]

Please see letter we received this morning from James Hamilton.

I would appreciate some advice on this.

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and
Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot
| Tel: [REDACTED] | Email: DFMCSE@gov.scot

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 12 January 2021 10:30
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Subject: FAO DFM- correspondence from James Hamilton

Dear Deputy First Minister,

Please see attached correspondence, sent on behalf of James Hamilton.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on
Skype or on [REDACTED].

Dear [REDACTED]

Many thanks, I have passed this to Mr Hamilton.

Mr Hamilton has today responded to the letter he received from Alex Cole-Hamilton and various other MSPs, and has asked that a copy of his response be passed to DFM (and also FM if that would be appropriate) for their awareness.

This letter is attached.

Best wishes,

[REDACTED]

From: [REDACTED] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 13 January 2021 [REDACTED]

[REDACTED]

Cc: Rogers D (David) (Constitution and Cabinet Director) ; Deputy First Minister and Cabinet Secretary for Education and Skills

Subject: Letter from John Swinney MSP

Dear [REDACTED]

Please find attached a letter for the attention of Mr Hamilton.

Kind regards

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government |
Web: www.gov.scot [REDACTED] | Email:
DFMCSE@gov.scot

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James Hamilton
Independent Adviser on the Scottish Ministerial Code



Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP
By email to: Alex.Cole-Hamilton.msp@parliament.scot
Jackie.Baillie.msp@parliament.scot
Murdo.Fraser.msp@parliament.scot
Margaret.Mitchell.msp@parliament.scot

13 January 2021

Dear Alex Cole-Hamilton, Margaret Mitchell, Jackie Baillie and Murdo Fraser,

Thank you for your letter of 10 January 2021, in which you ask whether I will expand the remit of the Ministerial code investigation to include consideration of whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdeen.

As you know, the remit for my investigation was set out in response to PQ S5W-31054, answered by the Deputy First Minister in August 2020. The Deputy First Minister and First Minister have both subsequently confirmed to Parliament that in delivering this remit, I am free to consider evidence on any aspect of the Ministerial Code as I consider necessary and appropriate.

In the light of this, and considering the written statements and other information provided to me in recent months, I have concluded that the matter of reporting of the relevant meetings to the Parliament is within the scope of the remit, and I will cover it in my report.

I hope this information is helpful.

Yours sincerely,

James Hamilton

From: [REDACTED]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 13 January 2021 18:45
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; [REDACTED]@gov.scot>; French C (Craig) <Craig.French@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: RE FAO DFM- correspondence from James Hamilton: NEXT STEPS

Hi David,

As discussed, DFM is content with all of this and said the timing you set out should be followed and we should check the contents of Mr Hamilton's reply. He is also happy with the media lines.

I will await Mr Hamilton's letter and then go ahead from you before auctioning step 1.

Thanks

[REDACTED]

[REDACTED] Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [REDACTED] | E: DFMCSE@gov.scot

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PS/Deputy First Minister

Copy to Permanent Secretary, Lesley Fraser, Neil Rennick, Craig French, Gavin Henderson, [REDACTED], [REDACTED], Colin McAllister

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I am expecting Mr Hamilton to reply this evening to the group of MSPs that had written to him. He will send on a copy of that letter to us.

As discussed with Craig, I propose the following next steps once we have received that letter:

1. DFM should send a copy of exchange of letters with Mr Hamilton to the convenor of the Harassment Committee, copied to SPICE for publication. I attach a draft and PDF copies of the correspondence to be attached. Mr Hamilton has confirmed to us that he has no objections to publication once he has written to the MSPs. (The letter should be emailed to Ms Fabiani c/o the committee clerk on SGHHC@parliament.scot and copied to SPICE on CollectionsTeam@parliament.scot FAO [REDACTED].)
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Deputy First Minister

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Best wishes,

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[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please
contact me on Skype or on [REDACTED]

James Hamilton
Independent Adviser on the Scottish Ministerial Code

John Swinney MSP
Deputy First Minister
By email to: dfmcse@gov.scot

11 January 2021

Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*

- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*
- 5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:*
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
 - ii. whether there has been any breach of the Code and the nature of any such breach; and*
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.*
- 6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.*

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr. Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton



F/T: 0300 244 4000
E: dfmcse@gov.scot

Alex Cole-Hamilton MSP
Margaret Mitchell MSP
Jackie Baillie MSP
Murdo Fraser MSP

By Email

HAMILTON

13 January 2021

DRAFT TO BE CHECKED AGAINST MR HAMILTON'S RESPONSE TO THE MSPS

Dear Members

Thank you for your letter of 10 January about the First Minister's self-referral under the Ministerial Code.

I was somewhat surprised by the terms of your letter which appear not to take account of what both the First Minister and I have said to Parliament about the scope for Mr Hamilton to report on any aspect of the Ministerial Code as he considers necessary.

At First Minister's Questions on 29 October the First Minister said:

'My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.'

I confirmed this position on 6 November in an answer to PQ S5W-32472 from Alex Cole-Hamilton as follows:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with

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a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

We could not therefore have been any clearer that Mr Hamilton has the maximum freedom to consider any aspect of the Ministerial Code that he believes is relevant.

Indeed, Mr Hamilton has written to me to confirm that he considers his existing remit to cover the matter that you raise – the First Minister's reporting of meetings to the Parliament – and he has copied to me his letter to you today that makes the same point.

It is clear, therefore, that the concerns set out in your letter are entirely groundless and misplaced.

I have written to the Convener of the Committee on the Scottish Government Handling of Harassment Complaints with a copy of the letter I received from Mr Hamilton and my reply. I am also arranging for a copy of that correspondence also to be placed in SPICE.

JOHN SWINNEY

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Leas Phrìomh Mhinistear agus Rùnaire a' Chaibineit
airson Foghlam agus Sgilean
Deputy First Minister and Cabinet Secretary for
Education and Skills



Scottish Government
Riaghaltas na h-Alba
gov.scot

John Swinney BPA/MSP
F/T: 0300 244 4000
E: dfmcse@gov.scot

Linda Fabiani MSP
Convener – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

13 January 2021

I attach, for your committee's information, an exchange of letters that I have had with Mr James Hamilton, the Independent Adviser on the Scottish Ministerial Code.

Mr Hamilton's letter sets out his intention, under his existing remit, for the First Minister's self-referral under the Ministerial Code to address a number of points that have been raised with him by some Members of the Committee and also by the former First Minister. I have confirmed that his intention to address these matters is entirely consistent with the previous commitments that both the First Minister and I have made to Parliament.

I am copying this letter to SPICE.

JOHN SWINNEY

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E: dfmcse@gov.scot

James Hamilton
Independent Adviser on the Scottish Ministerial
Code

By Email

13 January 2021

Dear Mr Hamilton

Thank you for your letter of 11 January about the First Minister's self-referral under the Ministerial Code.

I note your intention to address in your report a number of points that have been raised with you by some MSPs and also by the former First Minister.

As I set out in my letter to you of 4 November, both the First Minister and I have separately advised Parliament that you are free to consider evidence on any aspect of the Ministerial Code as you consider necessary and appropriate. Your intention to include these matters is therefore entirely consistent with the previous commitments we have made to Parliament.

Please let me know if there is anything further the Scottish Government can do to assist you.

JOHN SWINNEY

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

John Swinney MSP
Deputy First Minister
By email to: dfmcse@gov.scot

11 January 2021

Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*

- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*
- 5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
 - ii. whether there has been any breach of the Code and the nature of any such breach;*
and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.**
- 6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.*

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr. Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton

Re: MINISTERIAL CODE INVESTIGATION

From: [REDACTED]@sunday-times.co.uk>
To: [REDACTED]@gov.scot>
Date: Sat, 13 Feb 2021 15:34:38 +0000

Many thanks [REDACTED] and thanks for taking the time to dealing with this at the weekend.

Best regards,

[REDACTED]

On Sat, 13 Feb 2021 at 15:26, <[REDACTED]@gov.scot> wrote:

Hi [REDACTED]

I've checked with Mr Hamilton and provided a short line below. Happy to discuss over the phone or provide background if that would be helpful.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Best wishes,

[REDACTED]

From: [REDACTED]@sunday-times.co.uk>
Sent: 13 February 2021 14:35
To: [REDACTED]@gov.scot>
Subject: Re: MINISTERIAL CODE INVESTIGATION

Many thanks.

[REDACTED]

On Sat, 13 Feb 2021 at 14:06, <[REDACTED]@gov.scot> wrote:

Dear [REDACTED]

Just wanted to let you know I have picked up this email and will respond to you as soon as I can.

Best wishes,

[REDACTED]

[REDACTED] [REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

From: [REDACTED] <[REDACTED]@sunday-times.co.uk>
Sent: 12 February 2021 19:10
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: MINISTERIAL CODE INVESTIGATION

Good evening,

Can I apologise for contacting you at this time on a Friday evening. Is there any indication of when we can expect Mr. Hamilton's report, and will it be before March 25th, the date the Scottish parliament rises for the election?

Best regards,

[REDACTED]

Sunday Times

[REDACTED]

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Re: FW: MINISTERIAL CODE INVESTIGATION

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Sat, 13 Feb 2021 14:54:35 +0000

Hi [REDACTED]

I am happy with that line. I would have no problem with saying that I intend that it will be finished well before March 25 but I cannot put an exact date on it yet.

Best wishes

James

On Sat, 13 Feb 2021 at 14:03, <[REDACTED]@gov.scot> wrote:

Hi James,

The Sunday Times have been in touch. Would it be ok for me to reissue the line used previously that you will conclude as soon as possible and are mindful about the impending election?

Best wishes,

[REDACTED]

From: [REDACTED]@sunday-times.co.uk>
Sent: 12 February 2021 19:10
To: [REDACTED]@gov.scot>
Subject: MINISTERIAL CODE INVESTIGATION

Good evening,

Can I apologise for contacting you at this time on a Friday evening. Is there any indication of when we can expect Mr. Hamilton's report, and will it be before March 25th, the date the Scottish parliament rises for the election?

Best regards,

[REDACTED]

Sunday Times

[REDACTED]

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